

IN SEARCH OF A NEGOTIATION PARADIGM

Key words: negotiations, paradigm, dilemmas of negotiation science

“Paradigm” is a notion that is frequently used in discussions dedicated to the issues of science. A particular role of a paradigm results from the fact that it appears in the context of determining the level of advancement of a given scientific discipline. A similar role is played by a paradigm in relation to negotiations, while negotiations are not understood as a set of activities of interrelated parties, linked with common and different interests, undertaken in order to solve a perceived conflict of interests existing between them, but as a science dealing with the analysis of this phenomenon. The only attempt to characterize a negotiation paradigm has been taken by R.A. Rządca in his book entitled “Negocjacje w interesach. Jak negocjują organizacje” [*Negotiations in interests. The way organization negotiate*] (Rządca 2003). In the first chapter, entitled “Negotiation – a dominating paradigm”, he reconstructs – as he claims – “a dominating paradigm of negotiations, in Kuhn’s meaning of this term” (Rządca 2003, p. 8). A negotiation paradigm, according to the author, includes eleven statements gathered into two groups. The first group contains statements “related to the issue of negotiations and answering the question of what negotiations are about” (Rządca 2003, p. 33). These are the following statements:

1) Negotiations are a manner of conduct in the face of a conflict and mutual relations.

2) Negotiations are a complex social process.

The second group contains statements concerning “possibility of cognition, of analysing a phenomenon that is of interest for us” (Rządca 2003, pp. 33-34). R.A. Rządca assigns nine statements into this group:

1) The process of negotiations includes making offers (demands), obtaining information about the needs of the other party, convincing and withdrawing.

2) Negotiators behave (not always) rationally (but they should).

3) Negotiators move between two points: the aim and the point of resistance.

4) The aim of each party is to maximize its share.

- 5) Negotiations create a chance to achieve common and different aims through problem solving.
- 6) Behaviours of the parties are also modelled by immaterial variables and aims.
- 7) Relations between the parties affect the talks conducted by the parties, and the talks affect relations between the parties.
- 8) Ethics determines limits of what is permitted in negotiations.
- 9) Negotiations are the matter of the parties. Intervention takes place when parties cannot reach the conclusion.

Do the statements presented above deserve to be called a negotiation paradigm? The analysis of the issue carried out in this article will be used as a basis to formulate more general conclusions concerning the current state of advancement in negotiation science. However, before the discussion concerning the subject matter begins, it seems necessary to present some remarks concerning Kuhn's understanding of the term "paradigm".

Kuhn's understanding of the notion of a "paradigm"

Making an effort to "reconstruct a dominating paradigm of negotiations in Kuhn's understanding of this term", R.A. Rządca does not discuss views of T.S. Kuhn or of his many sympathizers and critics. He does not refer either to any works of this author, or to numerous publications that appeared during the broad, almost fifty-year long discussion devoted to the phenomenon of a paradigm. It seems therefore necessary to put into words a few observations concerning the manner of understanding the notion of a "paradigm" by T.S. Kuhn. It was used for the first time by T.S. Kuhn in the work entitled "The structure of scientific revolutions", which appeared in print at the beginning of the 1960s (Kuhn 1968)¹. This is a basic element of a theory created by the author, which emerged first of all with natural sciences in mind to illustrate the mechanism of its development. Kuhn, who was interested in exact science, and more precisely, in physics², carried out an analysis concerning the mechanisms of science development on the basis on observations in this field. The beginnings of his interests in this issue are connected with his preparations to deliver a cycle of lectures concerning sources of the 17th century mechanics, during which he took on establishing what the predecessor of Galileo and Newton knew about mechanics. In this way, he began investigating the questions of motion in Aristotle's "Physics". He

¹ *The structure of scientific revolutions* was published in 1962. Its Polish translation dates back to 1968.

² T.S. Kuhn was a physicist by education. He wrote his doctoral thesis in physics.

commented on his observations made while investigating achievements of Aristotle and of his successors in the following way: “Like the majority of previous historians of science, I examined those texts, referring them to my own knowledge about physics and about Newton’s mechanics...just like them, I asked a question referring to these texts: what was known about mechanics within the Aristotle’s tradition and what remained to be discovered by the 17th century scientists? Those questions were formulated in Newton’s categories; they required answers in the same language, and those answers were clear. Even on a descriptive level, Aristotelians did not know much about mechanics, and most of what they had to say was wrong... Aristotle, dealing with other issues than physics, was a sharp-witted observer. Additionally, in such fields as biology or social behaviour, his interpretations of phenomena were deep and insightful. Why were these abilities failing when he was dealing with motion? How is it possible that he said so much, as it may seem, nonsense about this subject? And first of all, why were his views treated so seriously by his past successors?... Galileo or Cartesius, who laid foundations of the 17th century mechanics, had their roots in the tradition of the Aristotle’s science... But the key to their achievements was finding a new method of reading texts... This change was referred to by Hubert Butterfield as “adopting at a given moment of a different thinking attitude” (Kuhn 1985, p. 13). T.S. Kuhn describes this specific thinking attitude, different from the previous manner of perceiving the reality under examination, using the term of a “paradigm”.

The concept of T.S. Kuhn brought about a great commotion in scientific circles, winning many keen followers and opponents. Of course, relations between achievements of Aristotle and of his successors, Galileo or Cartesius, were not an immediate reason for this interest. It was aroused by the attempt to answer the following questions: What is the role of tradition in the development of scientific knowledge? What is its carrier? How is it transferred or broken? (Amsterdamski 1985). T.S. Kuhn assigned a key role in explaining this mechanism to a paradigm. But the notion of a paradigm in the work in which this term was introduced, i.e. in “The structure of scientific revolutions”, has not been clearly defined. M. Masterman, who has taken pains to analyse all meanings which were given by T.S. Kuhn to the notion of a “paradigm” in “The structure of scientific revolutions”, distinguished twenty-two different methods of understanding of this notion – from a commonly accepted scientific achievement, to a set of characteristic beliefs and prejudices, instrumental, theoretical and metaphysical (Masterman 1970). In one of his subsequent works “Dwa bieguny. Tradycja i nowatorstwo w badaniach naukowych” [*The essential tension: Selected studies in scientific tradition and change*], T.S. Kuhn, fully accepting the objection con-

cerning the lack of explicitness of the notion created by him, wrote: “Even if, while writing my book, I do not understand perfectly well what paradigms are, I still believe that they deserve a lot of attention” (Kuhn 1985, p. 407).

Although the title of T.S. Kuhn’s work in which he introduces the notion of a paradigm is “The structure of scientific revolutions”, the author does not talk about revolutions in science in this book, but refers his considerations to scientific disciplines. A paradigm, in the view of T.S. Kuhn, fulfils a particular role in the development of a given discipline, since it emerges in close – both physically and logically – vicinity to the notion of “scientific community” (Kuhn 1968). “It specifies what is common to all members of a given scientific community and only to them. And the other way round, having a given paradigm makes a group of otherwise dispersed persons, such a community” – T.S. Kuhn claims (Kuhn 1985, pp. 407-408). It is “a set of characteristic beliefs of the community of scientists, its working “tools” ...*consensus omnium* (uniformity of beliefs – JK) of the group, facilitating a fast progress, without returning to already established issues” (Amsterdamski 1985, p. 491). Scientists, whose research is based on a common paradigm, conform to a specific way of thinking about a given phenomenon. There exists a consensus³ between them, regarding the subject of research, posing questions and the method of recognizing the phenomenon analysed. In the opinion of T.S. Kuhn, followers of various paradigms speak different languages, expressing different cognitive convictions, corresponding to various worlds (Kuhn 1985). “Changes of paradigms result in a new view on the entire field of research, its restructurization, interpretation of facts previously accepted, which become something else than they used to be” (Amsterdamski 1985, p. 492). Therefore, a paradigm is of crucial importance from the point of view of the progress in a given discipline. Its form proves its maturity, creating a necessary condition for granting a discipline a role of “institutional science” (*normal sciences*). Further development of the discipline takes place through the appearance of new paradigms, considered to be more appropriate. In this situation, some scientists remain faithful to old opinions, while others become followers of new ideas. Works of scientists who did not keep pace with a new paradigm cease to be attractive, and their carrier collapses. In this sense, a paradigm is “responsible” not only for the development of the discipline, but also for the career of individual researchers.

The analysis of features given by T.S. Kuhn to the notion of a paradigm is crucial if we want to explain the nature of a paradigm, in Kuhn’s under-

³ In the initial version of *The structure of scientific revolutions*, a paradigm was referred to using the term of “consensus”. “Consensus” was replaced with “paradigm” only during the final phase of working on the book.

standing of this term. For Kuhn, a paradigm is exceptional, hegemonic, occasionally changing and at the same time arranging knowledge in many fields. "In the period, which in *The structure of scientific revolutions* I described as pre-paradigmatic – T.S. Kuhn claims – representatives of the discipline are divided into a range of schools, fighting with each other, each of whom sets up claims to be competent in a given subject matter, but approaches it in a completely different way. After this phase of development, a relatively quick transition takes place to the so-called paradigmatic period. It happens usually as a result of an important achievement. This period is characterized by disappearance of all or of almost all schools, which allows for much more effective operations of members of the remaining society" (Kuhn 1985, p. 408). A monopolistic domination of a paradigm is the most important theoretical objection advanced to the conception of T.S. Kuhn, mainly by representatives of social sciences. A sceptic relation towards this point of view is expressed, among others, by the translator of the Polish edition of "The structure of scientific revolutions", S. Amsterdamski. In his "Afterword" to the work of T.S. Kuhn, he reflects on the question whether the thesis claiming that it is possible to distinguish such periods in the development of individual disciplines in which all researchers accept a common paradigm is legitimate. He elaborates on this thought at the occasion of publishing in Poland of another Kuhn's work "The essential tension: Selected studies in scientific tradition and change", when he writes: "If the notion of a paradigm as applied to natural sciences was to indicate, regardless of how satisfying, a phenomenon that has not been recognized so far – functioning of historically changeable *consensus omnium* within them, then in relation to various schools in the humanities, this is nothing more than an introduction of a new, fashionable name, and moreover, it is done in a way that is inconsistent to its content, since a disciplinary *consensus omnium* itself does not usually exist in these disciplines. Even more: specifying that they are undergoing now a "paradigmatic" phase ensures that creation of such at least disciplinary *consensus omnium* becomes their aim, which, perhaps, they may realize or should realize. Meanwhile, I believe, that the aim of those disciplines is exactly working out of v a r i o u s (emphasis of S.A.) visions of the world, and that they live because of their "multiparadigmatic character", while development of *consensus omnium* in those disciplines would mean their end" (Amsterdamski 1985, p. 513).

Kuhn's way of understanding a paradigm, assuming its monopolist domination (hegemony with a discipline which it relates to) makes the usage of the term "dominating paradigm", applied by R.A. Rządca, sound as proverbial tautology. A paradigm, according to T.S. Kuhn, is therefore, due to its nature, a type of consensus in relation to a given view, which becomes thus

a dominating belief for a common scientific community. The question whether one can talk about “a dominating paradigm”, and if so, in what situations, becomes then a rhetorical question, since for T.S. Kuhn, a paradigm is a dominating view out of its nature.

Thus, is it justified at all to use the term “a dominating paradigm”? It is acceptable to talk about a dominating paradigm in the meaning in which the term “paradigm” is often used nowadays in social sciences. With time, this notion gained a slightly different interpretation, other than Kuhn’s understanding. As emphasized by S. Olson, it has been distorted, in certain sense, by social researchers. It became a synonym of a school of thoughts or a model. For this reason, we can observe the existence of many paradigms within one discipline, as well as the occurrence of competing paradigms, instead of one paradigm that would be common for many disciplines (Olson 1997, p. 43). In this new meaning, we can talk about a dominating paradigm. Certainly, this is not the understanding which is given to the notion of a “paradigm” by its originator, T.S. Kuhn.

Negotiation paradigm – critical analysis

Previous considerations indicated that “a dominating paradigm in Kuhn’s understanding of this notion” is not a very relevant expression. In this situation, for purposes of further analysis, let us assume the method of understanding negotiation paradigm proposed by R.A. Rządca. He describes a negotiation paradigm as “a dominating method of perceiving negotiations, a binding assumption concerning what negotiations are and how they can be analysed or recognized” (Rządca 2003, p. 8). Let us follow therefore, to what extent it is consistent with view of authors dealing with this subject matter. The analysis will allow us to answer the question whether a set of theses, referred by R.A. Rządca by using the term of “dominating negotiation parameter”, contains commonly accepted beliefs that do not raise any controversies. Due to a limited size of the present paper, it is not possible to evaluate every statement posed by R.A. Rządca.⁴ However, most of them require an implicit commentary. Let us start with first two statements, which, in the opinion of their author, “concern the issue of negotiations and answer the question what negotiation are about”, i.e. the first statement, claiming that “negotiations are a manner of conduct in the face of a conflict and mutual relations” and the second statement, assuming that “negotiations are a complex social process”.

⁴ A chapter devoted to a paradigm of negotiation covers eighty pages of text in the thesis discussed.

Negotiations are inseparably related to the phenomenon of conflict. This relation does not raise any doubts of authors expressing their opinions in the subject of negotiation. They are unanimous as to the fact that a causative factor of negotiations is a conflict between the parties, and the parties to this conflict are interrelated. There is nothing to discuss without a conflict; and in turn, mutual relationships of negotiation parties means that none of them is able to achieve the aim it assumes without the participation of the opposite party. While conflict, as a causative factor of negotiations, does not raise any doubts among authors dealing with the subject matter, essential differences appear as regards the scope of interest in the conflict itself, which is, to various extents, the object of interest for authors dealing with negotiations. Sometimes, it does not constitute a subject of deeper analysis, since it is assumed to be treated as a given one (e.g. Fisher *et al.* 2004; Lewicki and Litterer 1985; Mastenbroek 1996; Ury 1995); in other cases, on the basis of the assumption that the structure of conflict situation influences, to a significant extent, chances of reaching an agreement and affects course of talks, the interest in conflict is much deeper. The issue of the dilemma concerning this question, which can be found in literature, is well rendered by the position of R.A Rządca, who reveals the absence of the univocal character of opinion, presenting contradicting positions. He claims that “conflict is treated as a given one – its sources are not very important” (Rządca 2003, p 34), and immediately adds, “on the other hand, features of a conflict situation affect the course of talks” (Rządca 2003, p. 35). Controversies among authors dealing with negotiations also concern the notion of a “conflict”. For some of them, “it exists when persons are engaged in competition to achieve contradictory aims, or aims that are perceived as such” (Moore 1996, p. XIII). For some others, it means “severe incompatibility of interests” (Lewicki *et al.* 2005, p. 33). Pursuant to the former of the approaches presented, conflict requires involvement, and its creation is not possible without an active attitude of parties. However, when understood as incompatibility of interests, it exists objectively, regardless of the activity of its participants, which is not a necessary element to talk about the occurrence of a conflict. In addition, some authors understand each conflict as a conflict of interest, which means that conflict and conflict of interests are synonymous notions for them. For others, a conflict of interests is one of a few types of conflicts apart from the conflict of relations, values, structure and data (Moore 1996), which means that not every conflict is a conflict of interests out of its nature. This distinction is of basic importance if we want to arrive at a precise definition of situations in which the rise of negotiations can be talked about. For some people, any conflict can be the reasons for starting negotiations, since each conflict deals with interests, as out of its nature, conflict is a conflict of

interest. For other people, not all types of conflict form a basis to look for a solution through negotiations. While investigating further the differences in opinions found in the literature, it can be noticed that also the notion of “interest” can be understood in various ways. R. Fisher and his co-authors equate it with the notion of the “need”, claiming that “The most important interests are basic human needs” (Fisher *et al.* 2004, p. 85). (If we assume that these notions are identical, then why do we not talk about conflicting needs when talking about negotiations?). For others, interests are a recognized need. Generally, with reference to the notion presented, a large freedom of interpretation can be found in literature. At the same time, the authors are not especially prone to engage in polemics with the views of authors presenting a different point of view, silently accepting the lack of unanimity in understanding basic notions.

Let us move to the second statement, assuming that “negotiations are a complex social process”. It can be easily noticed that this statement is contradictory to the first one, which assumes that negotiations are the way of conduct in the face of a conflict and mutual relations. This means that they are a particular type of conduct aimed towards other people, therefore – a social activity. If we accept this assumption, then negotiations cannot be described as a social process. The notion of a “social process” is reserved in social sciences for phenomena occurring in the sphere of social development concerning changes in the entire society; it refers to its history and is most related to such terms as social change, development and social progress. A social process is a sequence of social changes, following one another, which may concern the structure of society that takes place, *e.g.* as a consequence of its aging or in relation to economic migrations of young people abroad. They can be also the effect of growing social inequalities, being a result of the enrichment of one group and impoverishment of others. The notion of a social process does not, therefore, concern the behaviour of individuals, but as P. Sztompka claims, “the entire level of the society’s dynamics” and it is reserved for phenomena of a mass character (Sztompka 2002). The entity participating in a social process is anonymous, thus the analysis of social processes is based on assuming the principle of anonymity of the individuals. In negotiations, as well as in management sciences, the examined entity is not anonymous. Assuming the thesis that negotiations are a social process would move away the interest in this subject matter from the area of management science, where the subject of interest is a precisely identified object.⁵ Negotiations are a phenomenon originating from the

⁵ The principle of anonymity of an individual seems to be more typical for the discipline of economy (it particularly concerns theoretical economy) than for management science.

sphere of interpersonal relations. They concern the behaviour of individuals and small social groups. Such terms are used in their description as: behaviour, actions, social activity, interaction and social relations. They are a particular type of social activity, a behaviour directed towards other people, therefore they can be described using the term of social activity.⁶ This activity is of an interactive character, which is the reason why the best definition for negotiations seems to be the notion of a “social interaction”. And this is the way in which most authors describe negotiations. R. J. Lewicki, J.A. Litterer, D.M. Saunders, J. Minton claim that “the majority of real negotiations are in fact complex social interactions” (Lewicki et al. 1993, p. 289). Thus, negotiations should be defined in this way, and not as a social process.

If the literature describes negotiations as a process, it is used in the meaning which is given to the notion of the “process” in the theory of decision taking or in the communication science. This term is used each time in situations when an element of multi stages appears and when we deal with the occurrence of individual phases following one another (*Słownik...* 1979, pp. 926-927). Therefore, e.g. decision taking, communicating or learning are all processes. In this meaning, negotiations can be described using the term of a process. While defining negotiations, we can distinguish individual stages (phases) following one another. That is the reason why they are described in literature according to this basic way of understanding the notion of a “process”. L. Thompson, quoted by R.A. Rządca, understands negotiations in this way. Like many other authors, she clearly differentiates between the process of negotiations and negotiations themselves, treating the process, understood as what happens between the parties, as their crucial element. That is, besides the parties, the alternatives held by them, negotiating issues, interests, positions and the outcome of negotiations are important analytic elements of negotiations (Thompson 1998).

Let me conclude this part with one more comment. R.A. Rządca claims that “negotiations are a *complex* (emphasis by JK) social process”. The term “complex” suggests that social processes include processes that are not complex, *i.e.* some of them can be considered as simple processes. Due to their nature, all social processes are complex. Therefore the term “complex social process” proposed in relation to negotiations should be considered as a not very accurate term.

To sum up, the usage of a term “process” with reference to negotiations can be justified only when it refers to the basic understanding of this notion, which takes into consideration a multi-stage character of the phenomenon, *i.e.* in the meaning which is given to it in the decision making theory or in

⁶ The notion of a social activity, understood as an activity directed towards other people, was introduced to the language of social sciences by Polish sociologist, F. Znaniecki.

communication science. However, it seems incorrect to use the term “social process” while referring to negotiations, since this notion is reserved for changes occurring on the scale of the entire society. In particular, it is improper to define negotiations as a “complex social process”, because all social processes are in their nature complex ones. It would seem most appropriate to apply term of “social interaction” while referring to negotiations.

Let us move now to discuss selected statements from the other group. The first statement says that the “process of negotiations includes making offers (demands), obtaining information about the needs of the other party, convincing and withdrawing”. Let us examine the first of the components of this statement, *i.e.* making an offer (a demand), since negotiations are most often identified with this element. Let us therefore answer the question whether making offers (demands) is a necessary condition of each negotiations. R. Fisher, W. Ury and B. Patton from Harvard Negotiation Project in their bestselling work “Getting to Yes. Negotiating agreement without giving in” prove that conducting negotiations on the basis of offer making is not the only or the best way to reach a wise agreement. According to them, offers are a typical tool only in the so-called soft negotiations. “In a soft negotiating game the standard moves are to make offers and concessions” – they claim (Fisher *et al.* 2004, p 37). However, a hard game, being the opposite of soft negotiations, is more based on using threats. While answering the question whether to use soft or hard negotiation game, they say: “Neither. Change the game” (Fisher *et al.* 2004, p. 40). They propose an alternative method of negotiations, designed especially to reach a wise outcome in an effective and amicable way. This method is referred to by them as principled negotiation or negotiation on the merits. Besides a few generally known rules which they propose, they assume the possibility to resign from making an offer (demands). “It would be a mistake to assume that making an offer is always the best way to put a figure on the table – they claim (Fisher *et al.* 2004, p. 224). It would be much better to *anchor* the discussion early around an approach or standard favorable to you” (Fisher *et al.* 2004, p. 224). „...the firmer you suggest early figures to be, the greater your damage your credibility as you move off them. It is safer and at least as effective to say something like: *Well, one factor to consider would be what others are paying for comparable work. In New York, for example, they pay \$ 18/hour. How does that sound?* Here you have put out a standard and a figure without committing to it at all – the authors claim” (Fisher *et al.* 2004, p. 225). Therefore, making offers (demands) is not a necessary condition of negotiations. What is more, in numerous cases, it can make it difficult to carry out a nego-

tiating strategy, which should be based on a win-win strategy.⁷ As an alternative, R. Fisher and his co-authors suggest a process of negotiating without mutual demands and concessions, based first of all on the analysis of mutual interest. “You begin with identification of the interests of each of the parties... – Ury elaborates on this thought in his subsequent book “Getting past No” W. Ury (Ury 1995, p. 26). Subsequently, by applying various techniques, alternative in relation to making demands, such as brainstorming or one-text procedure, he recommends searching for the possibilities to achieve these interests.

In the light of the position assumed by R. Fisher and his co-authors, also the third statements from among those presented by R.A. Rządca requires redefining, namely, that one claiming that “negotiators move between two points: the aim and the point of resistance”. The situation described here often happens during negotiations. However, it is not a *sine qua non* condition of every discussion.

Let us examine the second statement, saying that “negotiators behave (not always) rationally (but they should)”. If we assume, as R.A. Rządca claims, that negotiations are “a complex social process”, they should not be assessed from the point of view of rationality. The successive changes, achieved on the society scale, described as a social process, are not subject to assessment from this perspective. It is therefore difficult to assess to what extent social processes are rational or irrational. Rationality is a notion inseparably related to the activity of an individual. While using a Weber’s division of activities, each activity can be assessed as: rational, routine or affective (emotional). Although a large group of authors pay attention to questions of rationality in negotiations, and this issue occurs most strongly in those perspectives which refer directly to the decision making theory, the question of rationality, or rather of its absence in negotiations, is not a totally obvious issue. A bulk of studies devoted to negotiations, and in particular, models referring to game theory, takes an entirely opposite assumption. Namely, it assumes “superrationality” of negotiation participants.

A great part of statements making the paradigm of negotiations as formulated by R.A. Rządca are dedicated to the issue of the aim of negotiations. Besides the third statement that has been already mentioned, the issue of aim in negotiations has been referred to in the fourth statement, claiming that the aim of each of the parties is to maximise its share; the fifth, assuming that negotiations create a chance to reach common and different aims thanks to problem solving; and the sixth one, saying that behaviours of the parties are also modelled through immaterial variables and aims.

⁷ This is illustrated by the example of a conflict in the library, described on pages 75-76 of the book.

A few words about the fourth statement, saying that “the aim of each of the parties is to maximise its share”. The aim is an indispensable element of each planned activity. It specifies the direction of activities that are undertaken and creates a basis for controlling their outcomes. Each of the complex tasks includes more than one aim from the point of which the efficiency of persons making the effort to complete tasks is assessed. The same situation emerges in negotiations, so the acceptance of the assumption that the aim of each of the parties is only to maximise its share constitutes a guideline for a specific assessment of negotiator’s efficiency. If we accept this principle, the outcome of negotiations should be assessed from the perspective of maximisation of the party’s share. According to this way of thinking, a negotiator will be fully effective when he reaches everything, while the other party reaches nothing. However, it is not the case, and the criteria of assessing activities of negotiators, considered from the perspective of assumed aims, are more complex. For example, in a situation when inhabitants of the housing estate object to creating a centre for the mentally ill in their neighbourhood, if they negotiate effectively, such a centre will not be created. Many authors recognized as authorities in the field of negotiations go beyond defining the aim of negotiations only in terms of maximising one’s share. For example, Fisher and W. Ury, the authors quoted above, observe that the main aim of a negotiator is to direct the other party towards agreement through convincing it to participate in common problem solving. The aim of the party to negotiations is not, in their opinion, a maximisation of its share, but it is work with the opposite site with the aim to find an optimal solution for parties, for the conflict existing between them. “Negotiations are not a quarrel or a fight of two parties. The aim of the process is not obtaining by one of the parties a great concession from the other party – claims another famous author, T. Colosi. The issue of negotiation is to create a possibility of exchanging promises, thanks to which they will be able to reduce differences existing between them. Agreement does not consist in obtaining less or more, but rather in expressing the exchange of promises. Since the emphasis is on eliminating differences through the exchange of promises, the process is directed towards agreement.” (Colosi 1993, pp. 295-296).

The sixth statement – “behaviours of the parties are also modelled by immaterial aims and variables”, assumes a diversified character of negotiating issues, which include not only those questions that are of a material character, but also immaterial ones. It seems still necessary to comment on the issue which raises doubts of many authors. As results from the statement of R.A. Rządca, material and immaterial aims can be easily identified, since the interests of the parties of negotiations are specified and unchanging.

Acceptance of those assumptions raises serious doubts of some group of people interested in the subject of negotiations. M. Watkins, a professor of management at Harvard Business School, while giving lectures on the subject of negotiations, comments on this issue as follows: "Treating negotiations as interactions that engage several parties and clearly specified issues is a simplification, since not many real negotiations reflects such a transparent system. Equally unrealistic (and potentially dangerous) is the conviction revealed by many authors of how-to books that the interests and alternatives of negotiators remain unchanged during the course of the process" (Watkins 2005, p. 9). Equally important, or even more important, than specifying whether aims have a material or immaterial character, is to provide an answer to the question of whose goals are realized in negotiations. "Sometimes the management orders the negotiator what he should achieve at the negotiation table, but after a few negotiating sessions, the negotiator comes to the conclusion that those aims cannot be achieved" (Colosi 1993, p. 295).

Therefore, it is more important than analysis of measurable and immeasurable aims in negotiations to answer the question of whose aims are realized by negotiators – of their own or of their organizations. For understandable reasons, they are not always identical.

Basic dilemmas and unsolved problems of negotiation science

On a basis of a presented analysis of selected statements from the negotiation paradigm, it can be seen that it is difficult to find in contemporary negotiation science a set of statements the truth of which would be accepted by its all representatives. This means that this science does not have any paradigm. It can be observed in notional structures applied, revealing itself as a manner of defining negotiations, which are described as sequences of consecutive moves of fully rational actors (*e.g.* Nash 1950; Rubinstein 1982), decision making process (*e.g.* Pruitt 1981; Pruitt 1983), act of communication between the parties (*e.g.* Mulholland 1991; Putman and Roloff 1992), cognitive process related to a subjective perception of a situation and constraints of the rationality of negotiators (*e.g.* Bazerman and Carroll 1987; Bazerman and Neale 1997) learning process (*e.g.* Cross 1978). It manifests itself also in accepting different theoretical assumptions concerning the analysis of negotiation. Formal models, referring to game theory, are based on the assumption of the full rationality of the negotiators. The approach referring to the theory of decision making introduces elements of the negotiation process, with clear emphasis on the multi-stage character of discussion. The communication approach most strongly focuses on verbal and non-verbal forms of communication used by the parties; while in the perspective

treating negotiations as a learning process clearly focuses on the aspect of experience. The large diversity of theoretical approaches used in the analysis of negotiations, favouring on, one hand, their multifaceted explanation, causes still certain difficulties as regards defining, and then operationalizing variables for purposes of empirical research. Each of the approaches mentioned introduces its own original method of describing negotiations, indicates different parameters and applies different methodology to interpret the obtained results of investigations. The diversity of opinions and positions results in a situation in which a generally accepted model does not exist – a model, which would allow to integrate various proposals and in a manner free of controversies, would make it possible to examine the course of negotiations and factors conditioning it. The authors reach certain agreement only at the level of the simplest form of a descriptive model, which allows enumeration of variables that are important from the point of view of conducting negotiations. However, they are hedged with many preliminary assumptions and cannot be applied to all negotiating situations. More advanced dynamic models and functional models, representing the highest level of usefulness and used to specify relations between individual parts, discovering hidden dependencies, and illustrating the course of the negotiation process practically do not exist, while models referring to communication sciences are broadly and commonly used.

The science of negotiations is characterized by the lack of consensus as regards the extent to which negotiations should focus on talks, *i.e.* on what happens at the negotiating table, and to what extent their broader social context should be considered. If we take a closer look at many problems where a conflict is present (*e.g.* events related to the construction of the ring road through the Rospuda Valley, protests in national health service, including a famous protest of nurses, protests of teachers and other professional groups in relation to liquidation of the so-called bridging retirement, *etc.*), accepting the assumption that negotiations are a process taking place between individual parties and only at the negotiation table, has not much in common with reality. Yet, the majority of existing descriptive models of negotiations do not take into consideration the effect of the context and various conditions of the negotiation process. This assumption, having not much in common with reality, results, among others, from the fact that a significant part of research concerning negotiation is carried out with the use of a laboratory experiment, where, by necessity, conditions resulting from the context are omitted. “Negotiations between single parties are amazingly rare – claims M. Watkins. Even such simple negotiations as the purchase of a house usually means competing with other purchasers, discussions with borrowers, and sometimes cooperation with several sellers” (Watkins 2005,

p. 48). In addition, W. Ury, quoted above, presents an opinion in this matter, which clearly indicates the importance of knowing the broader context. "In negotiations, what you are doing after leaving the table is equally important as what you are doing at the table. I can recommend here building a strong, united coalition of those groups to whom your strong opponent poses a threat, to decrease the disproportion of forces. Let us not treat the opponent as a monolith – let us look for potential allies within groups of his opponents" (*Jak czerpać korzyści z konfliktów [How to benefit from conflicts]* 2007, p. 29). Although the literature devoted to negotiations includes the notion of BATNA, yet it does not describe the context, but it is used to identify the best alternative in relation to negotiation agreement. As a result, many critics of descriptive models of negotiation draw attention to the fact that actually, negotiations are not carried out only in a horizontal dimension between two parties sitting at negotiating table. Each student of negotiation who has had an opportunity to participate in negotiating simulations knows that internal arrangements within the team that is to conduct negotiations is equally important as talks between the parties. Most frequently, this team is not a monolith, and its members have conflicting aims and values. "Although most models assume that negotiations concern parties sitting at the negotiating table, relatively few actual negotiations are carried out in a horizontal dimension. Instead, statements are announced, banal statements are made and emotions are shown. If communication runs properly, two teams creatively use their time for convincing the other party. They explain their proposals and counter-proposals, compare data, exchange reproduced materials, present expert opinions... Most of those actions have a lower importance than an activity in the internal context" – claims T. Colisi (Colisi 1993, p. 294). As it can be seen, differences in analysing negotiations are visible not only between theoretical directions, but they also concern the scope of analysis of the negotiations themselves. It is a question whether to examine what happens between the parties at the negotiation table or to cover with the analysis a broader context of talks, including performance of a negotiation team, powers granted to it, etc.. As it can be seen, opinions in this matter are clearly divided.

Nowadays, due to the high complexity of solved problems, strategic partnerships and increasing role of interorganizational networks, the vast majority of negotiations are multilateral talks. "Although in reality most negotiations are carried out between more than two parties, it is more convenient to discuss about bilateral negotiations" – claims R. Fisher and his co-authors (Fisher et al. 2004, p. 37). A similar position is taken by M. Watkins, when he formulates the following view: "It is not difficult to find advice on conducting negotiations involving two parties and a few cases, but such simple nego-

tiations in a real world occur rarely” (Watkins 2005, p. 9). Nowadays, the vast majority of negotiations are multilateral talks. This results in that theoretical models assuming that only two parties participate in negotiations, cannot be applied to those cases. Bilateral negotiations are different from multilateral talks in that it is not possible to create coalitions within them, which are a typical kind of behaviour in negotiations where more than two parties participate, and which radically change rules of conducting negotiations. The analysis of multilateral negotiations is considerably complicated by the fact that alliances formed by the parties can be differently modelled as regards different issues (Colosi 1993).

Another element causing difficulties and being the subject of controversies in the analysis of negotiations is the mass usage of representatives (agents) to carry out talks. This is the reason why a fundamental notion of the party of talks, from the point of view of negotiation analysis, is not explicitly defined. “Even the category of a *party* to negotiation itself is difficult to be explicitly defined, taking into consideration agents, mediators, observers, *etc.*” – claim L. Crumb and A.I. Glendon (Crumb and Glendon 2003 after: Kozina 2007, p. 127). The involvement of representatives also makes the relations between the parties much more complex, and relations typical for simple negotiations between the parties is enhanced by relations occurring between the parties and the representatives, and between representatives directly participating in negotiations.

Beside basic controversies related to the scope and the method of describing negotiations, authors interested in the subject matter also differ in relation towards the issue of scientific cognition. This is mainly reflected in the way of applying empirical studies in the process of cognition. Research works devoted to negotiations are on one hand of an empirical character, they contain statistical results and only short analyses, or they are completely devoted of empiricism. A specific dilemma exists here between two opposite methods of understanding science – the empiric one, having its sources in methods of psychology and sociology, clearly referring to the empiricism of American sociology, and the critical one, referring to analyses close to those found in economy or philosophy, deprived of empiricism and typical for European research tradition. The experts in negotiating subject matter, inclined towards an empirical approach, also lack the general concordance as to which of the research methods applied are best for investigating negotiations. The method of observation is accused of influencing negotiators’ behaviours, survey methods based on self-assessment of behaviour – of subjectivism of evaluations, and experimental methods, based on applying negotiating simulations are criticised for the artificiality of a negotiating situation. This is because the awards and punishments used in an

experimental situation do not correspond to those applied in a natural situation. Negotiation variables are defined and operationalized in different ways. Because of this, the results of research on negotiations are only partially comparable, and their interpretation can be carried out only in the context of accepted assumptions.

The variety of views concerning the issue of negotiations and their course is so complex that the unanimity of views of authors dealing with negotiation can be talked about only in relation to three issues. The first is a belief that negotiations are related to the phenomenon of conflict, and what follows it, the analysis of conflict brings about a range of important consequences helping to understand negotiations. The second is an assumption that in spite of the fact that conflict can also have an interpersonal character (can assume the form of an internal conflict)⁸, negotiations are the process engaging at least two persons (parties of the conflict), being the form of social interaction. The third one is an already presented view that individual types of negotiations are connected by more similarities than differences, which creates a basis for dealing with negotiations as a separate subject of research. The other issues are the subject of discussion and of view clashing.

Summary

A discussion devoted to statements defined with the term of “negotiation paradigm” proved that they are not – as R.A. Rządca claims – “commonly applied truths, fulfilling a role of universal theses”. A lively discussion is carried out among authors dealing with negotiation issues. The thesis proposed by R.A. Rządca, claiming that within the science of negotiations there exists a set of unconditionally accepted views; and moreover, those views are not subject to empirical verification,⁹ seems, in the field of social scien-

⁸ The theory of conflict employs the division of conflict into intrapersonal, interpersonal, intergroup and intragroup ones. Intrapersonal conflict results from differences between the will and subconsciousness or it is a result of contradictory expectations of an individual within a social group (e.g. an academic worker experiences a conflict concerning how much time he should spend on the book he is preparing, and how much on duties related to students), or a conflict which emerges between individual roles (e.g. a student of extramural studies faces a dilemma whether he should devote more of his time to studies or absorbing professional work).

⁹ According to R.A. Rządca, theses of the paradigm are not subject to empirical verification. As he writes: “Those statement have a character of totally basic ones, not empirically verified certainties, and this is just what induces us to call the a paradigm of negotiations”. (Rządca 2003, p. 33). The position presented is contradictory to the view of many authors expressing their opinion on the subject of paradigm, who closely relate the

ces, an opinion that is extremely difficult to prove. A characteristic feature of these sciences is constant clashing of various positions. The acceptance of the assumption that only one proper way of thinking exists is contrary to their nature and can lead to attributing them such features that will make ideology out of science. This regularity fully concerns management science, within the borders of which the issue of negotiations is located most frequently, where significant differences in opinions are inseparable features. Many concepts presented on their grounds do not have hard forms or are absolutely indisputable, and many of their even basic categories, notions and paradigms have a “soft” character. This results not only from the nature of social sciences themselves, among which the management science is ranked, but it is also related to the young age of the management science (Sudoł 2007).

Abstract

To date, the interest in negotiations has concerned, first of all, a sphere of practical activity. The notion of “negotiations” also means a science. This article attempts to define the stage of its development. With this aim in view, Kuhn’s concept of a paradigm has been referred to, which is regarded as a central category used in the evaluation of the development of science. The article involves a critical analysis of previous attempts to define a paradigm of negotiations, proving that science of negotiations is still in its pre-paradigmatic phase. It discusses dilemmas and challenges which it faces at the current stage of its development.

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fact of its creation with results of empirical research. According to T. Goban-Klas “a paradigm is a specific theoretical pattern, based on the acceptance of certain behaviour, which is a result of previous empirical studies” (Goban-Klas 1999, p. 95). Without going further into this aspect of a paradigm, it seems that Goban-Klas is closer to the truth, if only for the fact that empirical verification of theses proposed is an inseparable feature of each science (Nagel 1970).

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