

Program on Negotiation. The Mnookins returned to Cambridge. "If I didn't want to coast through my fifties," Mnookin later noted, "what better place to study conflict than the Harvard Law School?"

Dissonance furioso, Harmony tranquillo

MNOOKIN QUOTES an experienced labor arbitrator who said 20 years ago that symphony musicians have "the reputation among many of being the angriest and most militant group in the whole

field of entertainment and the performing arts." He now could tell stories of his own on that subject.

The 105 players of the San Francisco Symphony conformed to stereotype when they walked out on strike in December 1996. They demanded better pay, a different pension plan, longer vacations, fewer tours, and the continuation of generous health benefits. Management wanted more Sunday concerts and greater flexibility and refused to pay for the musicians' health benefits during the strike, partly to pressure them to return to work. In response, bassoonist Rob Weir held his ailing two-year-old son up in front of television cameras to shame management. Finally, after 67 days without pay and 43 canceled concerts, and against the recommendation of a majority of their negotiating committee, the players narrowly accepted a contract that differed little from the one offered before the strike. Everyone lost. Relations were "acrimonious and horrible," says Nancy Bechtle, then president of the board of governors. Management and the board had kept their finances intact but had earned ridicule in the press and anger from patrons. The musicians broke up into enemy camps, with some of those who had wanted to hold out longer against management feeling betrayed by their colleagues. Says Bechtle, "The musicians were almost angrier at each other than at us."

The music critic of the *San Francisco Chronicle*



Michael A. Wheeler, an innovative teacher of negotiation skills

You Play the Mall Developer

TEACHERS OF NEGOTIATION use role simulations, powerful learning devices that help students internalize theory in a compelling way. I play the representative of an opera company who wants to explore a deal to hire a soprano for the lead in an upcoming production. You play the soprano's agent. Unbeknownst to both of us, the opera company's management would pay a huge fee for the soprano's services because they haven't located any suitable alternative, and the soprano would sing the role for free because she wants the part so badly. This is a negotiation with a broad range of possible agreements. Another teaching exercise might have a narrow, or even nonexistent, range of agreement and pose a chal-

lenge to students to learn what the range is.

Negotiation is widely taught at Harvard. In one or another of its aspects, it's on the menu at the graduate schools of law, business, government, education, design, and public health, and at the Extension School. The law school offers courses on dealing with emotions in negotiation, multiparty negotiation, and mediation, as well as an interdisciplinary research seminar and reading groups. Most unusual are a total-immersion, full-time, three-week negotiation workshop in January

and an intensive workshop in the spring.

At the business school, all 900 first-year M.B.A. candidates take a required basic negotiation course, in addition to drill in finance, marketing, leadership, and ethics. "We take a traditional microeconomic, decision-analytic approach, and there's a lot of power in that model," says Michael A. Wheeler, LL.M. '74, Class of 1952 professor of management practice, editor of the *Negotiation Journal*, and coeditor with Carrie Menkel-Meadow of the forthcoming book *What's Fair: Ethics for Negotiators*. But, he says, "The conventional negotiation model is static, so it can only take us so far."

The business school also offers a set of second-year electives for negotiators, including Wheeler's "Negotiating Complex Deals and Disputes," in which he takes a contrarian approach to the subject, exploring the dynamic quality of negotiation.

judged an all-Mozart program conducted by Roger Norrington just after the strike ended to be “ragged,” with “general rhythmic uncertainty” and “not much in the way of cohesive ensemble playing.”

Bechtle, still on the board today, was its president for 14 years, a period that included three strikes. Peter Pastreich had become executive director of the symphony in 1978 and had played an extremely constructive role in its growth, yet his relations with the musicians had become poisonous. He took strikes as a given. “I had been negotiating with unions for almost 40 years,” he says, “and I thought I was pretty good at it, but my way of doing things did lead to strife and adversarial relations.” “We were in a morass of mistrust,” says Tom Hemphill, a percussionist who chaired the players’ committee.

Everyone—players, management, members of the board—felt that the organization had to find a better way to resolve disputes. After some initiatives by Hemphill and Pastreich to explore what might be done, the Hewlett Foundation, a longtime financial supporter of the symphony as well as of conflict-resolution projects, asked Mnookin whether he would undertake to “teach the people at the San Francisco Symphony a better way to negotiate.”

Mnookin was hesitant. He had no experience working with symphony orchestras, and he did not consider himself a collective-bargaining expert. Most importantly, he had no assurance that the critical stakeholders were willing to put in the time and effort necessary for change. To solve problems, genuinely committed leaders are required, whether at a troubled symphony, at IBM and Fujitsu, or in the Israeli-Palestinian conflict.

Mnookin made an initial visit to the symphony in the fall of 1997 to meet with the players’ committee, with the management team, with key board members, and with music director Michael Tilson Thomas. Satisfied, he suggested the creation of a San Francisco Symphony Conflict Resolution Program, jointly administered by the players’ committee and management, which meant that either side could fire him. Mnookin assembled a team; he was assisted by Gary Friedman, a Bay Area mediator, and Joel Cutcher-Gershenfeld, a labor-relations man now on the faculty at MIT and codirector of PON’s Program on Negotiations in the Workplace.

Mnookin wrote extensively about their work with the orchestra, a case study in negotiation, for the October 2001 *Harmony*, the magazine of the Symphony Orchestra Institute (www.soi.org). In “A New Direction: Transforming Relations within the San Francisco Symphony,” he explains the negotiation theory that guided the effort:

In our view, negotiation requires the *management* of three discrete tensions:

- the tension between opportunities to expand the pie (by creating value) and the inevitable necessity of dividing the pie (i.e., distributing value);
- the tension between communicating with empathy and communicating with assertiveness; and
- whenever an agent is negotiating on behalf of a principal, the tension “behind the table” between the person or group doing the negotiation and the actual constituents.

Neither side had managed these tensions well in the 1996-97 negotiation, Mnookin wrote. Both sides focused on maximizing their slice of what they perceived to be a fixed pie. Neither

“Negotiation is a fluid process,” he says. “I reject the idea that you and I go to the bargaining table with a set of established interests in mind. It’s too simple to say that negotiation is basically a question of whether we’re collaborative and open, and thus maximize value through creative trades, or we’re coy and suspicious and bargain competitively. Instead, negotiation is an adaptive process. We may start with a general sense of our goals, but in the course of interacting, we learn things—maybe it’s good news, maybe not—but either way we have to adjust our goals and our strategy. Learning is hard at the bargaining table, however, since the information you get is seldom the whole story.”

To give students first-hand experience, Wheeler has them do role simulations such as “Discount Marketplace and Hawkins Development,” in which they act as developers or prospective tenants and hammer out a long-term lease for a regional mall. The students e-mail their results to Wheeler, then analyze their experiences in class. They then scrutinize videos of two different pairs of real-estate professionals negotiating the same case. Wheeler uses the videos to emphasize the importance of openings. “In the first 60 or 90 seconds of each of these negotiations, the professionals have extraordinarily different approaches that lead to very different results,” he says. “Students see how a veiled threat in one case or a tension-breaking joke in the other set the tone and trigger people’s behavior. Video gives students a much better understanding of the process of negotiations than just looking at the terms they happen to reach.” (A video of Wheeler teaching this segment of his course appears on the Program on

Negotiation website, www.pon.harvard.edu. It is part of PON’s negotiation pedagogy video series and includes an after-class interview with Wheeler about his methods, for the benefit of other teachers of negotiation.)

Wheeler seeks fresh metaphors to elucidate negotiation dynamics from a variety of disciplines and fields—from chaos theory and military strategy to jazz. “Improvisational jazz is not made up as you go along,” he says. “There are underlying structures and conventions. But musicians are always adapting and play off one another, leading in some instances, supporting in others. The same is often true in negotiation.”

Thanks to colleagues in fields other than his own, he says, he continues to go to school himself, particularly to study psychology, from which he has learned about the so-called “endowment effect.” Wheeler explains: “Experimenters ask people to assemble for an experiment. Their reward will be that they get a school coffee mug. The experimenters deliberately run out of mugs, and so they give some people cash instead. When the experiment is supposedly over, they ask the people who got the mugs how much they would sell them for, and they ask the people who got cash how much they would pay for a mug. The people who got mugs typically say, ‘I’d sell mine for, oh, \$8.’ The people who got cash say, ‘I’d pay \$2.50 for a mug.’ The notion that it’s *your mug* is important. People can feel just as possessive about an idea—or a bargaining position. Good negotiators recognize this and find ways to let people save face so that they don’t feel that they’ve been stripped of their possessions, including their self-respect.”