

# The Wave/Particle Tension in Negotiation

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## INTRODUCTION

Can we best understand negotiation in terms of the interests, power, and communication styles of the involved parties, or should we view negotiation as an emergent system co-created by the different players, but more than the sum of their individual contributions? If we focus solely on the interests and alternatives of the different parties, in accordance with the most popular negotiation literature, we gain insight into the motivation and behavior that each brings to the table; we can encourage a creative process that can maximize the potential for joint gain, and that assists us in determining a reasonable approach to allocating limited resources. However, there is something important missing from this approach. As hard as we try to understand negotiation dynamics by exploring the personalities, communication styles, histories, needs, and interests of individual parties, we are bound to fail if we do not take into account that what we are seeing is also the result of an emerging interdependent process that requires a different kind of analysis.

Nevertheless, the more we focus on the co-emerging dynamics, the harder it is to stay focused on the individual basis of interaction, and if we lose sight of the individual, we give up a powerful tool for understanding what is going on and what needs to happen. Similarly, the more we focus on the individual perspective, the harder it is to discern the co-emergent dynamics. One approach appears to contradict the other. This is not just a matter of focus: it is a challenge to our fundamental conceptual approach. Since the literature, our training, and, perhaps more importantly, our normal approach to understanding problems are all more individualistic, we gravitate to that way of viewing negotiation. Perhaps this is why we often struggle when we try to understand the nature of the challenge or the opportunity in very difficult negotiations, either in one-on-one settings, or in matters of public concern (e.g., health care, the Middle East, climate change, immigration, or the national budget). The challenge is not to move from an individualistic perspective to an alternative, relational perspective, nor is it to use the insights of one perspective in the context of another. Instead, it is to find a way of holding both perspectives, realizing through ongoing observation and internal negotiation when one or the other is more useful, despite their seeming contradictions. This is true for analyzing specific negotiation situations and also for deciding whether to apply, in practice, what this article will present as wave-like or particle-like approaches to negotiation. These two

different mindsets translate into different negotiation approaches and modes of analyzing negotiation dynamics, which require different sets of negotiation skills. This is a daunting challenge, but we are not alone in facing it; it is relevant to almost every sphere of human interaction, as I will show.

It is not relevant only to human interaction; this challenge is reflected in efforts to understand the nature of matter and energy. In fact, the approach of quantum physics to the nature of matter, as expressed through the wave/particle duality, provides a similar perspective with regard to our physical world. I argue that the wave/particle duality provides a valuable metaphor for approaching the need to hold both seemingly contradicting negotiation approaches in a complementary manner. Moreover, I will show that quantum physics, by offering a radical and stimulating alternative to Aristotelian metaphysics and Newtonian physics, can open up new possibilities for apprehending and approaching negotiation settings. Using the wave/particle duality or tension, I will suggest that negotiators can gain from complementing the particle-like, more individualistically-oriented view of human interaction with a wave-like, co-emerging relational view of interpersonal dynamics. These approaches are rooted in different perceptions of the self and different mindsets with which one can analyze and participate in negotiations. The article will also suggest that the wave-like approach, at times described as impenetrable for analysis or for teaching, can be taught, thus equipping the negotiator with an important additional set of skills. With awareness of both approaches, and by learning when and how to use each, negotiators will be able to decide in their negotiations-within to make informed choices as to what approach they should use in particular situations, thus giving them improved skills to help manage negotiation dynamics. Moving from the wave-like understanding of matter in physics to a similar view of human interaction, the paper will claim that the notion of dialogue and dialogic interaction best describes the wave-like approach and should complement the more familiar interest-based approach to negotiation.

The first section will present the wave/particle duality in quantum physics. The second section will make the transition from physics to a discussion of the centrality of the wave/particle duality in everyday human experience and interpersonal dynamics. The third section will offer a preliminary mapping of the differences between wave-like and particle-like negotiation dynamics. The fourth will discuss the

considerations one should take into account when negotiating-within what type of negotiation should be applied.

#### I. THE WAVE/PARTICLE DUALITY IN QUANTUM PHYSICS

Quantum physics offers a radical alternative to the entrenched Newtonian physics upon which human understanding of the nature of matter and of space and time is currently based. One central principle of quantum physics is the wave/particle tension or duality. In physics there are various interpretations of the wave/particle duality; I will use the one described here as a metaphor to describe the duality in human dynamics, with the understanding that this interpretation of the wave/particle duality presented is only one of several. According to this interpretation, the most revolutionary statement that quantum physics makes about the nature of matter, and about being itself, is the idea that all being at the subatomic level can be described equally well either as solid particles or as waves. Particles are separate, identifiable entities that possess localized (particle) properties, situated alongside each other; waves possess distributed (wave) properties, a field of energy. Quantum physics teaches us that the attempt to identify subatomic particles as micro-components that create the wave function is erroneous.

This duality permeates Western thought. The debate whether matter should be understood to have more wave-like or particle-like characteristics begins with a pre-Socratic debate between Parmenides and Heraclitus, at the beginning of recorded philosophy. These two prominent philosophers presented two very distinct views about the nature of matter: Parmenides saw the nature of what exists (or what *is*), as whatever is in the form of being, or static entities. Heraclitus, on the other hand, argued that things are constantly in the process of becoming or changing (universal flux), to the degree that one cannot really describe their being by addressing only their fixed, unchanging characteristics.<sup>1</sup> Heraclitus is known for illustrating his understanding of change by saying that we cannot step into the same river twice. As Western philosophy became grounded, the view presented by Parmenides gained dominance through Plato's philosophy and

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1. See Justus Hartnack, *Language, Meaning, Interpretation*, in ONTOLOGY AND LANGUAGE 141, 142 (Guttorm Fløistad ed., 2004); see also CHRISTIAN H. SOTEMANN, HERACLITUS AND PARMENIDES – AN ONTIC PERSPECTIVE (2008).

Aristotelian metaphysics, thus granting primacy to an atomistic view of matter and of human nature and interaction.<sup>2</sup>

The debate over this tension in physics and metaphysics continued for more than two millennia, and in the 19th century Friedrich Nietzsche applied it to the human psychology. In his first and very influential book, *The Birth of a Tragedy*, Nietzsche claims that there are two mental forces in the human psyche that are in tension with one another. He names these mental forces after the Greek gods Apollo and Dionysus. Apollo, the god of light and the plastic arts, represents clarity and stability drawn from the formation of bounded ideas and distinct concepts, including the perception of stable boundaries between subject and object. Nietzsche equates this to the principle of individuation, which emphasizes the separateness of individuals from each other and from the world, each being an observer who observes similarly separated objects. Dionysus, the god of music and revelry, represents the flow of pure natural energy that overwhelms the appearance of the firm boundaries between subject and object, and involves a frenzied participation in life itself. Nietzsche claims that life always involves a struggle between these two elements, each battling for control over the human experience. Yet neither side, according to him, ever prevails. Instead, he suggests that the best one could achieve would be a balance between the two complementary and competing perspectives.

Until quantum physics offered the revolutionary alternative that the coming pages will describe, one axiom was never questioned: matter (or being) is either static or in constant flux, but not both. As Zohar and Marshal claim: “When dealing with quantum reality, we have to learn a new both/and kind of thinking. We have to learn to get beyond apparent contradictions.”<sup>3</sup> While the view of matter from a perspective of particles was perceived as excluding an understanding of matter in terms of waves, quantum physics invites us to replace the either/or approach to this question with a provocative new approach.

Quantum physics goes on to tell us that neither description is fully accurate on its own, that both the wave-like and the particle-like

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2. For example, see Plato’s dialogue “Cratylus,” where he argued against Heraclitus’s philosophy, asking “How can that be a real thing which is never in the same state? For obviously things which are the same cannot change while they remain the same.” PLATO, CRATYLUS §§ 440c-440d (Benjamin Jowett trans., 2009) (claiming only that which is eternal can be real).

3. DANAH ZOHAR & IAN MARSHAL, *THE QUANTUM SOCIETY: MIND, PHYSICS, AND A NEW SOCIAL VISION* 20 (1993).

accounts of what really exists, of matter, must be considered, and that the duality itself is basic. Quantum “being” is, essentially, both wave-like and particle-like. Each description of being complements the other, and the whole picture emerges only from understanding the integration of both.<sup>4</sup>

Quantum physics suggests that even particles are nothing like the solid objects of classical physics, as they have a dual aspect. At the subatomic level, matter does not exist with certainty at definite places, but rather shows tendencies to exist. Matter and event alike are not “real” three-dimensional particles or waves in space and time but, rather, probabilities. Probability here means something different from classical probability where, when throwing a die, the chance to get a certain number is one in six; probability here means something radical and incomprehensible within the realm of classical physics. As Werner Heisenberg, a prominent quantum physicist in the early days of quantum physics, explains:

It meant a tendency for something. It was a quantitative version of the old concept of “potentia” in Aristotelian philosophy. It introduced something standing in the middle between the idea of an event and the actual event, a strange kind of physical reality just in the middle between possibility and reality.<sup>5</sup>

Quantum physics discovered that these probabilities would take the form of a particle or wave depending on the observer and the measuring tools with which he approaches the situation, thus shaping what otherwise only exists as “tendencies to exist/occur” into actual existence, either as wave or as particle. Whether at any given time elementary beings display themselves as either particles or waves depends on the overall conditions that exist at a certain moment and on how the matter, or the situation, is looked at by the observer: if the

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4. Stepansky describes how one of the founders of quantum physics, Neils Bohr, understood the tension: “Bohr interpreted the wave/particle duality as two mutually exclusive and complementary modes of the same phenomenon. . . . Bohr claimed as inevitable what most were afraid to accept: the atomic entity is neither a wave nor a particle, it is both together. If the experimental apparatus for atomic entities is one for waves, they will act like a wave. If the apparatus is set up for particles, the atomic entities will act like particles. It is not possible for these entities to be observed as both a wave and a particle in a single experiment. Where Bohr on the one hand ascribed the inability of a precise measurement not to a simple intrinsic limitation, but to the fact that one could not observe *both* wave and particle modes simultaneously, a limitation rooted in the wave/particle duality.” Barbara Stepansky, *Ambiguity: Aspects of the Wave-Particle Duality*, 30 *BRIT. J. HIST. SCI.* 378, 383 (1997).

5. WERNER HEISENBERG, *PHYSICS AND PHILOSOPHY* 29 (1989).

physicist uses a particle-detector, he will find a particle, but if he uses a wave-detector (a screen) he will see a wave pattern. Matter's existence is interdependent with how it is "measured" by the scientist, or in everyday life, interdependent with how the situation is observed.

Quantum indeterminacy is a powerful metaphysical way of perceiving reality. At the level of the everyday and of our interpersonal engagements, the wave/particle duality offers us a choice between different ways of looking at the same system, ways of looking that I will equate with the interest-based approach (particle-like approach) and a relational (wave-like approach) to negotiation. "The wave/particle duality," writes Zukav, "marked the end of the 'either-or' way of looking at the world. Physicists no longer could accept the proposition that light is *either* a particle *or* a wave because they had 'proved' to themselves that it was *both*, depending on how they looked at it."<sup>6</sup> In a similar manner I will suggest that an either/or debate with regard to how a negotiation should be approached (either a wave-like or particle-like approach) should be replaced by a perspective that incorporates both mindsets and sets of skills.

However, it is important to note that alongside the new understanding of both/and, and in fact embedded in it, there exists an either/or with regard to how a situation is perceived at any given moment. Neils Bohr explained this phenomenon through what he called the concept of complementarity, which suggests that we cannot see matter as both particle and wave at the same time. Observing matter as holding wave-like characteristics or as holding particle-like characteristics is mutually exclusive at any given time. Although matter cannot be both particle-like and wave-like at the same time, both are necessary to understand matter. We should be aware that we should distinguish between our understanding of the both/and of the nature of matter and the either/or approach we should apply at any given "measurement," or manner in which we approach a certain situation. As mentioned, the wave-like characteristics and the particle-like characteristics are not properties of matter, but rather properties of our interaction with matter. "Depending upon our choice of experiment, we can cause light to manifest either particle-like properties or wave-like properties."<sup>7</sup> We can cause any matter or situation to manifest wave-like characteristics or to manifest particle-

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6. GARY ZUKAV, *THE DANCING WU LI MASTERS: AN OVERVIEW OF THE NEW PHYSICS 71* (Harper Collins 2009) (1979).

7. *Id.* at 103.

like characteristics, depending on our measurement tools, or the lenses through which we decide to examine the situation at hand.

Quantum physics reinforces the emphasis on the human attitude and the central importance of how one approaches a negotiation situation: one's mindset, or "measurement tools," play a prominent role in not only describing an existing situation, but in actually shaping it into what it is. Negotiation scholarship increasingly emphasizes the power of reframing, or how the manner in which a negotiator frames or describes a situation affects how it is perceived by the parties and has an ability to create new dynamics. The framework provided by quantum physics, emphasizes the power of our observation: our mental framing of a situation plays a crucial role in bringing about the situation that is observed, having an effect on both the psychological and physical dimensions of the situation. Therefore, negotiators should be aware of their power not only to analyze a given situation with either a wave-like or particle-like mindset, but also to grant it basic particle-like or wave-like qualities, thus affecting the dynamics of the negotiation in a meaningful way.

In this article I discuss both the negotiator's mindset, i.e. her philosophical underpinnings and "measurement tools" which she uses as lenses through which she analyzes the situation, and her approach, i.e. the set of skills which she actually applies while negotiating, which stems from the deeper mindset layer. However, I do not wish to draw a sharp distinction between seeing and participating, between observing and being aware of our participatory action. Indeed, the themes presented through the wave/particle duality as presented in the next section do not allow such a clear distinction: our observation is penetrative in a participatory manner.

The coming sections will translate particle-like and wave-like perspectives into different mindsets and approaches to negotiation and suggest that when approaching negotiation settings, we have a choice as to which "measurement tools" to use, i.e. through which lenses we decide to analyze and approach the situation at hand.

## II. THE WAVE/PARTICLE DUALITY AS AN INHERENT HUMAN TENSION

### *2.1 Wave-like interaction: an example*

How is a wave-like mindset and approach manifested differently in negotiation settings? Let us consider an example: I am working with

a colleague on a teaching project together. There are moments in which we negotiate collaboratively and empathically on how to integrate her ideas and vision on the subject together with my ideas and vision. We exchange ideas, we see how things fit together, and even have some friendly intellectual “fights” when we think there is something the other does not “get.” There are also negotiations on the “how” of delivering the materials, as we are different people with different temperaments and different styles of teaching. However, there are also times in which our negotiation is somewhat different, in that we do not hold on to our separate views and import them into the conversation, but rather allow the interaction to create a new sense of mutual-existence, of our mutual teaching field, where our coordinated action and sense of self emerge from the interaction, shaped and defined by it. Now, that does not mean that we will necessarily agree on everything in a symbiotic non-conflicting space. We may come up with different ideas, but these ideas do not take the form of firm, stable, separate ideas held by firm, separate people, but rather emerge from an ongoing flow of interactions that lead to the generation of new ideas. We may even have some good intellectual arguments within that mindset, but we do not protect our ideas. Practically no idea belongs to, or represents, anyone, but there is instead an ongoing process of shaping the space in which we are engaged. If someone were to ask us after such a conversation, “Which of these ideas were Ran’s and which were X’s?”, we honestly would not be able to distinguish. The ideas would have been co-created through our interaction, rather than offered up by me or by my colleague as individuals.

## 2.2 *Wave-like negotiation can be taught*

Relating to the neglect of one dimension on behalf of another in legal education, David Hoffman, referring to research that identifies the different faculties in the two different sides of the brain,<sup>8</sup> describes

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8. According to brain research of the last few decades, the left-brain is analytical while the right hemisphere is holistic. The left hemisphere is considered to be in charge of logical thinking, abstract cognition, and language capabilities, while the right brain processes things in a holistic way rather than breaking them down, remaining more involved with sensory perception and emotions. “The right brain is also good at grasping wholes, while the left brain likes detail. Other right-brain strengths include the ability to make camouflaged images against a complex background and to see patterns at a glance . . . the left, by contrast, is good at breaking down complicated patterns into their component parts.” RITA CARTER, *MAPPING THE MIND* 38 (1998). The left hemisphere is the more specialized for abstract or symbolic representation, in which the symbols need bear no physical resemblance to the objects they represent,

law school “as a process in which the left brain circles around the right brain and eats it.”<sup>9</sup> Leonard Riskin claims that efforts made to change common lawyers’ patterns were not successful in thoroughly transforming the adversarial mindset. Riskin claims that “the lawyer’s standard philosophical map,” as he names the underpinnings of that mindset, remains solid. While describing this governing mindset, he writes: “The traditional mindset provides a constricted vision of legal problems and human relations that rests on separation and autonomy, on rights and rules. Thus, it contrasts with mindsets grounded on connection, relationship, and duty. And mindsets can affect a lawyer’s understanding and performance in virtually any task.”<sup>10</sup>

Our analysis of negotiation is thus heavily influenced by an atomistic, particle-like view of human nature. David Bohm, a renowned quantum physicist and an author of books on social order, creativity and dialogue, was the first to draw the similarities between quantum processes and the behavior of our thought processes.<sup>11</sup> Bohm expresses concern that human society becomes over-fragmented due to the neglect of mental attitudes towards human interactions that emphasize the wave-like approach. Bohm claims that:

The prevailing tendency in science to think and perceive in terms of a fragmentary self-world view is part of a larger movement that has been developing over the ages and that pervades almost the whole of our society today: but, in turn, such a way of thinking and looking in scientific research tends very strongly to re-enforce the general fragmentary approach because it gives men a picture of the

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while the right hemisphere maintains representations that are isomorphic with reality itself – although this distinction, on close analysis, is an elusive one. Michael Corballis, *Lateralization and Myth*, 35 AM. PSYCHOL. 284, 288 (1980). It is often suggested that the right hemisphere is more creative than the left. See JEROME BRUNER, ON KNOWING: ESSAYS FOR THE LEFT HAND (1965).

9. David A. Hoffman, *Paradoxes of Mediation*, in BRINGING PEACE INTO THE ROOM: HOW THE PERSONAL QUALITIES OF THE MEDIATOR IMPACT THE PROCESS OF CONFLICT RESOLUTION 167, 167 (Daniel Bowling & David A. Hoffman eds., 2003).

10. Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and their Clients*, 7 HARV. NEGOT. L. REV. 1, 16 (2002) [hereinafter Riskin, *Contemplative Lawyer*]. He adds that lawyers are trained to put people and events into categories and to think of their rights and duties as they fit to rules. “This view requires a strong development of cognitive capabilities, which is often attended by the under-cultivation of emotional faculties.” *Id.* at 14. For further reading on “the lawyer’s standard philosophical map,” see Leonard L. Riskin, *Mediation and Lawyers*, 43 OHIO ST. L.J. 29, 43-48 (1982).

11. See DAVID BOHM, QUANTUM THEORY (1951); see also DANAH ZOHAR, THE QUANTUM SELF: HUMAN NATURE AND CONSCIOUSNESS DEFINED BY THE NEW PHYSICS (1990).

whole world as constituted of nothing but an aggregate of separately existent “atomic building blocks,” and provides experimental evidence from which is drawn the conclusion that this view is necessary and inevitable.<sup>12</sup>

Given this picture, the fragmented outlook of human situations is perceived as mirroring reality while creating a disposition or prejudice towards a fragmentary, particle-like, self-world view. Bohm adds: “men who are guided by such a fragmentary self-world view cannot, in the long run, do other than to try in their actions to break themselves and the world into pieces, corresponding to their general mode of thinking.”<sup>13</sup> That leads to analyzing the world into separate parts and also to dividing what is really indivisible, preventing different forms of analysis from taking place.

The wave/particle duality and its representation of the nature of matter calls for a more thorough investigation into the wave-like aspect of human interaction and the different thought process that is part of that interaction. While the particle-like perception of matter somewhat resembles the more common way of perceiving objects as situated one next to another in space, which should be analyzed in separation, the wave/particle duality requires us also to examine the wave-like characteristics of matter, and of human situations, to get a more complete view of the situation. This duality calls for a thorough analysis of the different modes and their characteristics. As Zohar and Marshal write:

The relationship between the observer’s way of looking at a quantum experiment and the outcome of what he sees is very much like the link between our social expectations and what we perceive. If we look at a group of people as a collection of individuals, we will perceive them as individuals. But if we look at the same group as a collective unit, we will see a collective phenomenon. More strongly still, the way we look at a group of people can actually affect the group’s behavior, or vice versa.<sup>14</sup>

In the world of classical physics, reality is ultimately reducible to atoms, inherently separate entities that are connected to others only externally, when they meet, like billiard balls. In our common vision of

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12. DAVID BOHM, *WHOLENESS AND THE IMPLICATE ORDER* 15 (1981). He adds: “the attempt to live according to the notion that the fragments are really separate is, in essence, what has led to growing series of extremely urgent crises that is confronting us today.” *Id.* at 2.

13. *Id.*

14. ZOHAR & MARSHAL, *supra* note 3, at 23.

the human self and society, these impenetrable units are the individuals who relate to each other accordingly. However, quantum physics offers a perspective in which this vision is complemented by a perception of wave-like fields in which an analysis that breaks the situation into such separate entities is erroneous, and which demands a different, complementary vision of human interaction and negotiation approach than that offered by individualistically-oriented models of negotiation – a vision of waves merging, weaving into one another, evolving together and allowing new order to unfold. This vision of a negotiation situation, as Zohar and Marshal explain, “is not reducible to the sum of its parts. We can’t say, as in classical physics, that the new system is composed of a plus b plus the interactions between them. It is a new thing, an ‘emergent reality.’ In the physical world, such emergence is unique to quantum reality.”<sup>15</sup>

The following section will offer a preliminary mapping of what wave-like negotiation emphases should include and what its characteristics may be. It will present the underpinnings of the wave-like interaction, which may serve as a basis for further research and pedagogy-development of the wave-like emphases, characteristics, and associated negotiation skills. While some of these characteristics may seemingly belong to the realm of intuition, or be perceived as “magical” or “mystic” moments that may happen on rare occasions but cannot be analyzed or planned, I would note that only three decades ago, similar skepticism was directed toward the attempt to teach people to become “negotiation geniuses,” and which the alternative dispute resolution (ADR) field has been de-mystifying and teaching since.<sup>16</sup>

I suggest that, similar to Robert Mnookin’s claim that “negotiation can be taught” (in contrast to what he calls “the myth that negotiation cannot be taught”<sup>17</sup>), wave-like interactions can also be taught. By mapping their characteristics, exploring their underpinnings and

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15. *Id.* at 31.

16. See DEEPAK MALHOTRA & MAX BAZERMAN, NEGOTIATION GENIUS 303 (2008). They write: “The mistake is to think that some people are born geniuses (Einstein, Mozart, Michael Jordan, et cetera), and other of us are not. In fact, genius is often a combination of natural ability and a lot of hard work. But you will argue, no amount of hard work will turn you into Michael Jordan or Mozart or Einstein. You are probably correct – you are unlikely to have the ‘raw materials’ needed for their achievements. The good news is that you do have the raw materials to become a negotiation genius – almost everyone does. Negotiation genius is about human interaction, and the only raw material you need to achieve is it is the ability to change your beliefs, assumptions, and perspectives.” *Id.* at 303.

17. Robert Mnookin, Address at the New Trends in Negotiation Teaching: Toward a Trans-Atlantic Network Conference in Cergy, France (Nov. 14, 2005).

developing pedagogy that can help cultivate the relevant mindset and skills, negotiators can be taught to see the negotiations-within that need to take place, aware of the choice they have in both evaluating and participating in their negotiation situations with different negotiation mindsets and different negotiation approaches. The common tendency is to address the wave-like mindset and interactions somewhat romantically, as an intuition and a state that maybe, rarely and unexpectedly, “happens,” rather than a negotiation methodology that can be taught. However, negotiators can learn how to be conscious of both mindsets, understand the differences, choose to examine the dynamics with different measurement tools, and make informed choices as to how to approach a certain situation in the negotiation process.<sup>18</sup> Developing scholarship along these lines would complement the existing interest-based theory and help develop a methodical, complementary wave-like approach. I suggest that the nature of the negotiation setting/situation, is, like matter, indeterminate, existing as probabilities or tendencies to occur, either as waves or as particles. It is for the negotiator to choose which mindset would serve best her valuation of the situation and which negotiation approach would help her reach the best results, switching back and forth from one to the other throughout the process.

### III. A PRELIMINARY MAPPING OF THE DIFFERENCES BETWEEN WAVE-LIKE AND PARTICLE-LIKE INTERACTIONS

#### 3.1 *Wave-like dynamics as dialogic interaction*

The term that best describes the wave-like approach to human interaction is “dialogue.” David Bohm explains that the word *dia* in Greek means “through.”<sup>19</sup> Combined with the word *logos*, which he translates as “the meaning of the word,” it creates the understanding of the term dialogue as “a *stream of meaning* flowing among and through us and between us.”<sup>20</sup> Bohm distinguishes between the dialogic state and the state of trading information among human beings. In the latter, “the whole question of two different systems is not being seriously

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18. See *infra* Part IV for further discussion on considerations that negotiators should make regarding which approach to use in certain situations.

19. DAVID BOHM, ON DIALOGUE 6 (Taylor & Francis e-Library ed. 2003) (1996).

20. *Id.*

discussed,”<sup>21</sup> while in the former foundational assumptions regarding not only content but also the perception of each of the parties as a separate system is re-examined. William Isaacs, professor of management at MIT, founder and director of the MIT Dialogue Project, and a student of Bohm, adds: “[Dialogue] proposes a quality of interaction that goes beyond interpersonal subject-object exchange. It invites ontological inquiry as much as a problem-solving activity, and it challenges the traditional premise that communication is the ‘exchange’ of anything – such as meaning or messages.”<sup>22</sup> Isaacs defines dialogue as “a conversation with a center, not sides,” taking the energy of differences and channeling it toward a greater common sense through the coordinated power of people, challenging the notion of parties taking two separate sides and of analyzing the interpersonal setting accordingly.<sup>23</sup>

Another example comes from Martin Buber, an Austrian philosopher who wrote extensively on dialogue. He draws a distinction between two very different mindsets and modes of interaction, the one dialogical and rare, which he defines as I-Thou relations, and the other more common, defined by him as I-It relations. According to Buber, the worlds that are constructed through these mindsets are two utterly different worlds. The one who observes others as It sees them as “things” or “objects,” lying side-by-side in space: “Every It is bounded by others; It exists only through being bounded by others.”<sup>24</sup> This is the world of positive sciences. In opposition to that experience, which disconnects one from the world, “the realm of the ‘Thou’ has a different nature. When ‘Thou’ is spoken, the speaker has no thing for his object . . . he has indeed nothing. But he takes his stand in

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21. *Id.* at 7. Later in the book he distinguishes between “Dialogue” and “Negotiation”:

A great deal of what nowadays is typically considered to be dialogue tends to focus on negotiation; but . . . that is a preliminary stage. People are generally not ready to go into the deeper issues when they first have what they consider to be a dialogue. They negotiate, and that’s about as far as they get. Negotiation is trading off, adjusting to each other and saying ‘Okay, I see your point. I see that that is important to you. Let’s find a way that would satisfy both of us. I will give in a little in this, and you give in a little on that. And then we will work something out.’

*Id.* at 18.

22. William Isaacs, *Creating a Shared Field of Meaning: An Action Theory of Dialogue*, in 12 THE TRANSFORMATIVE POWER OF DIALOGUE: RESEARCH IN PUBLIC POLICY ANALYSIS AND MANAGEMENT 203, 206 (Nancy C. Rogers ed., 2002).

23. WILLIAM ISAACS, DIALOGUE AND THE ART OF THINKING TOGETHER 19 (1999).

24. MARTIN BUBER, I AND THOU 20 (Ronald Gregor-Smith trans., 2000) (1923).

relation,”<sup>25</sup> in a manner that overcomes the disconnect embedded in the relation to the other and which focuses instead on the co-constructing process in the relational space prior to its bifurcation to each party’s “side.”

Analyzing a negotiation with a particle-like mindset involves classifying people, issues and objects that lay side by side and by distinguishing between them. The negotiator focuses on a certain defined party or issue at any given time and makes an effort to maintain coherence in his understanding of that designated person or matter at hand, usually by comparing the other party’s understanding to one’s own. Reliance is on memory, on clarifying concepts, and on linear and logical thinking. Particle-like interaction relies on defined categories, and parties judge whether something said represents a certain preconceived notion they have. Judgment is an outcome of using such a method of thinking: when we perceive a given set of options, we seek to select, through analysis, the right option. We establish categories with sharp exclusions and inclusions, and contradiction. When approaching the negotiation dynamics with a particle-like mindset, parties trade information, share interests, exchange ideas, and make an effort to convince and maybe contradict each other, each aware of their different, separate perceptions.

When analyzing negotiation situations with a wave-like mindset, incoming information is not judged according to the extent to which it corresponds with well-defined categories and logical rules, but rather is seen as being in a constant reciprocal shaping process, in a flow of constant self-organizing together.<sup>26</sup> A wave-like mindset examines how the parties arrange new information jointly and create meaning together rather than applying existing understanding and examining to what extent new information is consistent with it. In a wave-like approach, words gain meaning within the web of connections and relations in which they function, and are understood by the manner in

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25. *Id.*

26. EDWARD DE BONO, *I AM RIGHT – YOU ARE WRONG: FROM THIS TO THE NEW RENAISSANCE: FROM ROCK LOGIC TO WATER LOGIC* (1990). De Bono, a neurologist, brain researcher, and psychologist, claims that it is important to develop awareness of the self-organizing nature of our mental patterns, which would entail flexibility and creativity. “For twenty-four centuries we have put all our intellectual effort into the logic of reason rather than the logic of perception. . . perception does have its own logic. The logic is based directly on the behavior of self-organizing patterning systems totally different from the table-top logic of traditional reason and language.” *Id.* at 42.

which they perform in that context. In contrast, within a particle-like approach, parties seek conceptual clarity.<sup>27</sup>

With a wave-like perception, there is a flow of interaction and thought, and the focus is on thinking together with awareness of the joint meaning-making process. A wave-like approach is occupied with shaping reality through the interaction, rather than applying existing understandings to the reality it meets. In a wave-like interaction, the maintenance of coherence regarding a certain issue is deemphasized; instead, negotiators are more mindful of the manner in which things are ever-changing and emerging anew, co-constructed in relation to the context and in relation to other components of the joint interaction. Parties in wave-like interaction bring awareness of the gaps and confusions created by the imposed pre-contextual meaning with which each of the parties arrive. They are engaged in constructing a shared meaning, a joint “dictionary” of word-usage, as opposed to particle-like interaction, where the reference is usually to the preconceived notions each party holds. In a wave-like interaction, differences are leveraged for the molding of new forms, made from the old differences and yet different from any of them. The focus is on the appreciation of the joint meaning-making process, co-constructed in a space that is not divided into subject and object. Gergen, McNamee, and Barrett write:

In terms of practice, much of the negotiation and mediation literature does place a strong emphasis on locating mutually acceptable options – solutions that enable each participant to obtain (at least partially) certain desired ends. Yet, from a constructionist perspective, “desired ends” are not fixed tendencies to which the process of dialogue must accommodate, but rather constructions embedded within discursive communities –including the community created by the dialogue itself. Thus, the challenge is not so much to consider the future in terms of fixed starting points (e.g. “my needs,” “my desires”), but through dialogue to construct a viable future together. This is not to rule out the investments with

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27. In a later book, De Bono elaborates: “Traditional rock logic is based on identity: ‘this is a caterpillar.’ It is also based on ‘have’ and ‘inclusion’: ‘This caterpillar is green and has a hairy body.’ Inclusion, exclusion, identity and non-identity, and contradiction are the very stuff of reasoning. We create boxes in the forms of categories, classifications and words. We judge whether something belongs in a certain box and if it does we can give it all the characteristics of that box. This is the basis of our judgment and our certainty.” EDWARD DE BONO, *WATER LOGIC* 9-10 (1993).

which one enters the exchange, but to focus on the potentials of the dialogue to reveal new, unifying amalgamations of perspective.<sup>28</sup>

The wave-like interaction allows participants to establish an active self-organizing system in which to explore new terrains. The evolving joint process is different than perceiving a situation as an exchange of ideas between bounded people. The dialectical tendency, in which new ideas are sought through a dynamic interplay between and the unification of contradictory ideas,<sup>29</sup> is replaced by a different valuation of creativity. Provocation, playing around, ambiguity, curiosity, and exploration are part of its logic and practice. The suspension of foundational assumptions, rather than their defense, is welcomed. Preconceived knowledge of the problem that needs to be solved and how it should be solved is replaced by an ongoing mutual discovery of the problem parties are facing. Csikszentmihalyi explains the creativity of those who experience “flow”:

The creative person is one who discovers the problem while most of us just solve problems . . . Those artists who started with least preconceived notions of how the finished project would look like are those who ended the most creative . . . [T]hey allowed the problem to emerge . . . they discovered the problem, they didn't bring to the canvas an already established idea.<sup>30</sup>

However, Csikszentmihalyi continues, the biggest misunderstanding with regard to flow is that letting go of firm knowledge is all that is needed, while in fact it is “changing and realizing, recognizing possibilities in the interaction,”<sup>31</sup> i.e. the acquisition of knowledge through a relational involvement, that is essential.

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28. Kenneth J. Gergen, Sheila McNamee & Frank J. Barrett, *Toward Transformative Dialogue*, 24 INT'L J. PUB. ADMIN. 679, 697-98 (2001).

29. LESLIE A. BAXTER & BARBARA M. MONTGOMERY, *RELATING: DIALOGUE AND DIALECTICS* 8 (1996).

30. MIHALY CSIKSZENTMIHALYI, *FLOW: PSYCHOLOGY, CREATIVITY & OPTIMAL EXPERIENCE* (Howard Gardner, interviewer) (Into The Classroom Media 2003); see also M. Csikszentmihalyi & J. W. Getzles, *Creativity and Problem Finding in Art*, in *THE FOUNDATIONS OF AESTHETICS, ART AND ART EDUCATION*, 91 (Frank H. Farley & Ronald W. Neperud eds., 1989).

31. CSIKSZENTMIHALYI, *supra* note 30.

3.2 *The wave-like mindset and approach as offering a relational view of the self*

The scholars who write about dialogue and the wave-like dynamics described thus far share one central principle: offering a view of the self different from the individualistic, atomistic understanding of the human self. In a particle-like mindset one has a strong sense of a separate, well-defined, solid self, while in a wave-like mindset there is a more relational, inter-individual sense of the field of interaction, from which one experiences herself. Buber asserts that, “[i]n the beginning is relation,”<sup>32</sup> thus granting primacy to the relating, the field of interaction as the unit for investigation, rather than to the separate “I” that stands outside of that relational space and that creates it with others. It is the sphere of the “between,” according to Buber, that is the focus of intention. “The poles are replaced by an endless ‘flow of mutuality’ of entering to and exiting from situation to situation. Human life is therefore a continuum of situations, exiting one foundational unity and entering another.”<sup>33</sup> In a wave-like participatory action, one’s whole being is moved and changes in relation to the other and, in fact, comes to be what she is in that particular moment in relation to other variables in the joint space. “The whole of quantum reality,” write Zohar and Marshal, “is to some extent an unbroken web of overlapping or correlated internal relationship,”<sup>34</sup> an undivided wholeness that cannot be broken or reduced to its parts.

In a wave-like interaction, the negotiation unfolds from moment to moment with the parties taking part in joint action. While presenting his dialogic view of human understanding and thinking, Charles Taylor draws a distinction between “monologic acts” (single-agent acts) and “dialogic acts,” and the latter does not emerge from the common epistemological tradition. He claims that the sense of self is different when in a dialogic mindset, arising within, rather than enforced from outside the interaction.<sup>35</sup> The focal point is not the individual, but

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32. BUBER, *supra* note 24, at 31.

33. DAVID BARZILAI, HOMO DIALOGUS: MARTIN BUBER’S CONTRIBUTION TO PHILOSOPHY 23 (Heb.) (2000).

34. ZOHAR & MARSHAL, *supra* note 3, at 62.

35. “The self neither preexists all conversation, as in the old monological view; nor does it arise from an introjection of the interlocutor; but it arises within conversation, because this kind of dialogical action by its very nature marks a place for the new locutor who is being inducted into it.” Charles Taylor, *The Dialogic Self, in THE INTERPRETIVE TURN: PHILOSOPHY, SCIENCE, CULTURE* 304, 312 (David R. Hiley, James F. Bohman & Richard Shusterman eds., 1991).

rather awareness of the self-in-interaction that makes dialogue present, in which the needs and interests will be naturally shared. As Bowling and Hoffman write when describing the mediation process from a similar perspective:

[W]e shift our focus from the interests of the individual parties to the set of interactions and relationships of the parties and the mediator. On the basis of systems theory, “The essential properties of an organism, or living system, are properties of the whole, which none of the parts have. They arise from the interactions and relationships among the parts. These properties are destroyed when the system is dissected, either physically or theoretically, into isolated elements. Although we can discern individual parts in any system, these parts are not isolated, and the nature of the whole is always different from the mere sum of its parts.” Central to this way of looking at mediation is the recognition that the mediator is not extrinsic to the conflict (any more than the therapist is wholly separate from the issues addressed in therapy). Such an approach is, to some extent, at odds with prevailing norms in the mediation field, in which the independence (or separateness) of the mediator is viewed as professionally appropriate, perhaps even necessary, if one is to be effective.<sup>36</sup>

The sense of self is thus always context-dependent, arising from and within the continuous situational ties in which it is situated. According to David Bohm, “[a] key assumption that we have to question is that our thought is our own individual thought. Now, to some extent it is. We have some independence. But we must look at it more carefully. . . . What is really going on when we’re thinking? I’m trying to say that most of our thought in its general form is not individual.”<sup>37</sup> Similarly, in a wave-like interaction, thought is a product of thinking together between and among the parties. To use Mary Parker Follett’s description, “Response is always to a relating. Accurately speaking the matter cannot be expressed even by the

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36. Daniel Bowling & David A. Hoffman, *Bringing Peace into the Room: The Personal Qualities of the Mediator and their Impact on the Mediation*, in BRINGING PEACE INTO THE ROOM, *supra* note 9, at 13, 22 (quoting FRANK CAPRA, THE WEB OF LIFE: A NEW SCIENTIFIC UNDERSTANDING OF LIVING SYSTEMS 29 (1996)) (internal citations omitted).

37. BOHM, *supra* note 19, at 51. Revisiting the individualistic underpinnings and the assumptions that stem from these underpinnings, Gergen, McNamee, and Barrett write: “In part the importance of self-expression can be traced to the Western tradition of individualism. As participants in this tradition, we believe we possess inner thoughts and feelings and that these are essential to who we are; they virtually define us.” Gergen, McNamee, & Barrett, *supra* note 28, at 701.

phrase . . . I-plus-you meeting you-plus-me. It is I plus the-interweaving-between-you-and-me meeting you plus the-interweaving-between-you-and-me etc., etc. If we were doing it mathematically we should work it out to the *n*th power.”<sup>38</sup>

This is a view of human interaction different from the one offered by the interest-based approach. Mnookin, Peppet, and Tulumello, for example, describe a tension negotiators face between empathy and assertiveness<sup>39</sup> offering to manage the tension by transforming the either/or view to a mindset and approach that calls for both empathizing with the other and asserting one’s own perspective. The management of the tension is within a particle-like approach, where one’s views and the other’s are well-designated in separation, even if the “either self or other” dichotomy is transformed. Within the wave-like dynamic, being mindful of the goals of the other party would not mean to go beyond oneself, or recognizing the other’s self (including the other’s goals and needs), but rather, recognizing the ongoing joint thinking process within which one’s thinking and insights about the matter at hand evolve. Awareness of this process allows a shift in focus from the “other” as the problematic entity in the discussion to the overall dynamics and the insights, as well as differences that arise within it. This is a shift in focus different from Fisher and Ury’s suggested shift in focus from the people to the problem,<sup>40</sup> a shift toward a focus on the co-arising that takes place in the present moment of the negotiation.

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38. MARY PARKER FOLLETT, CREATIVE EXPERIENCE 63 (2001).

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When faced with conflict, we tend to either advocate forcefully – often too forcefully – our own view *or* focus on the other side’s view. . . . We each assert our own story and listen to the other side only for the purpose of constructing a “Yes, but” response. We cycle through argument and counter-argument, never demonstrating understanding or really communicating very effectively. . . . Either I can listen and try to understand your point of view, or I can assert my own. . . . Once I understand your view – and show you I understand – holding on to my own perspective will become too difficult. After all, if I agreed with *your* view I wouldn’t have *mine!* . . . Our views are just fundamentally different. If I advocate for mine, I can’t also advocate for yours. It’s one or the other, not both.

ROBERT MNOOKIN, SCOTT PEPPET & ANDREW TULMELLO, BEYOND WINNING: NEGOTIATING TO CREATE VALUE IN DEALS AND DISPUTES 50-51 (2000).

40. See ROGER FISHER & WILLIAM URY, GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN 10 (1991); WILLIAM URY, GETTING PAST NO: NEGOTIATING YOUR WAY FROM CONFRONTATION TO COOPERATION 5-6 (1993) (“Instead of glowering across the table, you sit next to each other facing your common problem. In short – you turn face-to-face confrontation to side-by-side problem-solving).

*3.3 Interest-based negotiation as individualistic, particle-like thinking that needs to be complemented*

The decision whether to relate to a particular situation from a particle-like or wave-like perspective is at the same time a decision whether to perceive *ourselves* in a wave-like or particle-like manner, i.e. whether I am to focus on certain characteristics of my separate individuality, or instead on the field of interaction, in which, among other things, I evolve. The interest-based approach is consistent with the particle-like perspective of human interaction. It perceives the parties as rational agents who are working toward maximizing their gains. Greenhalgh and Chapman identify the interest-based approach with the tendency to define problems and solutions in static terms, consistent with one's well-defined perceptions. They write:

The scenario to which negotiators actually react is their definition of the situation, which is a product of the objective circumstances and the relationship as it is experienced consciously, subconsciously, and emotionally. The economics-based model imposes a definition of the situation and explores outcomes and, on occasion, process. Imposing the definition of the situation has the advantage of standardizing laboratory research, but carries with it the disadvantage of being unrepresentative of common experience."<sup>41</sup>

The interest-based approach focuses on each person's separate interests and needs, and helps parties approach a negotiation setting in a manner that allows them to both open up to the other parties' needs and to stand up for what they have identified as important to them. Parties learn how to work to achieve mutual gains, to collaborate and to create value and try to satisfy both one's needs and the other party's needs as much as possible. Pedagogy has developed consistent with these emphases, aimed at helping people acquire good negotiation skills and become professional negotiators.

The interest-based framework, however, presents only "half of the truth" with regard to negotiation situations and should be complemented by a wave-like approach to negotiation. Although we have gone through serious changes since the 1960s, when negotiation was perceived as "a process in which independent actors make

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41. Leonard Greenhalgh & David Chapman. *Joint Decision-Making: The Inseparability of Relationships and Negotiation*, in NEGOTIATION AS A SOCIAL PROCESS 166, 183 (Roderick M. Kramer & David M. Messick eds., 1995).

decisions,”<sup>42</sup> and although “the theoretical perspective that undergirds knowledge of negotiation has advanced considerably,”<sup>43</sup> the teaching of negotiation “was a convenient simplification, because considering ‘the party’ as a single generic actor allowed scholars to apply all of their individualistically oriented theory to the intra-group, inter-group, intra-organizational, and international levels.”<sup>44</sup> Other scholars have presented criticism of the interest-based approach in the name of relational perspectives of the self and of the negotiation or mediation processes.<sup>45</sup> However, more work is needed, following the wave/particle metaphor, to further develop methodologies and pedagogy that would complement the interest-based negotiation’s particle-like mindset and approach with the wave-like mindset and approach to negotiation. A more balanced pedagogy would help negotiators become more aware of the described tension, allowing them to use both mindsets and approaches when analyzing negotiation situations and choosing which skills to apply in order to achieve the best results.

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42. Leonard Greenhalgh & Roy Lewicki, *New Directions in Teaching Negotiations: From Walton and McKersie to the New Millennium*, in NEGOTIATION AND CHANGE: FROM THE WORKPLACE TO SOCIETY 20 (Thomas A. Kochan & David B. Lipsky eds., 2003).

43. *Id.* at 27.

44. *Id.* at 28. They continue to make the claim that the business world of the new millennium is much more complex and in need of development of negotiation theory. As opposed to “the classic models of negotiation [which] assumed negotiators to be idealized actors with uniform personalities – what used to be called the Economic Man, an alternative perspective on negotiation is to construe the negotiation process as *the interaction of interdependent personalities.*” *Id.* at 32-33.

45. See, e.g., ROBERT A. BARUCH BUSH & JOSEPH P. FOLGER, *THE PROMISE OF MEDIATION: RESPONDING TO CONFLICT THROUGH EMPOWERMENT AND RECOGNITION* (1994); Barbara Gray, *The Gender-Based Foundations of Negotiation Theory*, in 4 RESEARCH ON NEGOTIATION IN ORGANIZATIONS 3 (Roy J. Lewicki et al. eds., 1994); JOHN WINSLADE & GERALD MONK, *NARRATIVE MEDIATION: A NEW APPROACH TO CONFLICT RESOLUTION* (2000); Sara Cobb, *Creating Sacred Space: Toward a Second-Generation Dispute Resolution Practice*, 28 *FORDHAM URB. L.J.* 1017 (2001); Bowling & Hoffman, *supra* note 9; Michele J. Gelfand et al., *Negotiating Relationally: The Dynamics of the Relational Self in Negotiation*, 31 *ACAD. MGMT. REV.* 427 (2006); Ran Kuttner, *From Adversity to Relationality: A Buddhist-Oriented Relational View of Integrative Negotiation and Mediation*, 25 *OHIO ST. J. ON DISP. RESOL.* 931 (2010).

#### IV. IMPLICATIONS AND CONSIDERATIONS IN THE NEGOTIATION PROCESS

##### *4.1 The joint process of negotiating-within*

As suggested throughout the article, negotiators who would make use of both particle-like and wave-like mindsets and approaches may achieve better results. Negotiators should develop awareness of the possibilities and should be able to switch from one to the other, both in their analysis and in their applied approach throughout the dynamics of the negotiation. Zohar explains that particles can be born out of a background of pure energy (waves), exist for a while, and then dissolve again into other particles or return to the background sea of energy.<sup>46</sup> Negotiators, I suggest, should view and approach the situation at hand at different moments of the negotiation with a different mindset, sometimes particle-like, and other times wave-like.

The negotiation-within that negotiators conduct with regard to the question of which approach should be used is, to follow the premises of quantum physics, taking place both “within” the individual negotiation and in the joint space in which one evolves. When conducting that negotiation-within, one ought to examine (1) to what extent it is possible to create wave-like dynamics, (2) to what extent analyzing a situation with a wave-like mindset can contribute to one’s assessment of the negotiation, even if one does not apply a wave-like approach, (3) to what extent applying and maintaining a wave-like approach can be helpful even if the other party is reluctant to apply a similar approach, and (4) when is there a need to step out of such dynamics and focus more on each negotiator’s interests, concerns and alternatives in separation.

When exploring the possibility of creating wave-like dynamics, one should be aware of both parties’ readiness to tune in to each other’s level of intensity and pace, and of their openness, playfulness, non-attachment to ideas, curiosity regarding how they evolve, and willingness to partake in the joint, relational process as described above. Sharing thoughts, feelings, and ideas in a wave-like manner does not always follow linear thinking. Rather, it is done in a spontaneous, playful and creative manner.<sup>47</sup> Michael Wheeler and

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46. See ZOHAR & MARSHAL, *supra* note 3, at 26-28.

47. See also David Hoffman, *Mediation, Multiple Minds, and Managing the Negotiation Within*, 16 HARV. NEGOT. L. REV. 293, 302 (discussing engaging the Parties’ Sub-Logic Circuits, which occurs “below the threshold of conscious attention”

Gillian Morris advise negotiators to “be attuned to the other party’s verbal and non-verbal cues,” emphasizing “pitch of voice, speed of conversation, pauses, and verbal stumbles.”<sup>48</sup>

These characteristics are examined relationally rather than rationally, as part of a mutual process. At the same time, the observer reflects on how these cues influence her own involvement, and how the other party is attuned to the cues that she is giving. Referring to his work with Anthony Roberto on relational rules in several hostage incidents, William Donohue writes:

We found that when negotiators spoke using the same relational rules (similar levels of affiliation and power) they were more likely to develop a collaborative negotiation structure. This consistency rule proved to be very powerful in directing the course of the interaction. A key assumption is that the many kinds of logics at work (in addition to relational logics) are being continuously negotiated tacitly and overtly by all parties. Parameters related to substantive issues that are appropriate to discuss, relational parameters that specify roles, levels of formality and openness are only a few examples.<sup>49</sup>

One must be aware to what extent parties achieve a level of attunement also with regard to how the negotiation unfolds and transitions from one topic to another. Wheeler and Morris’s first suggestion to negotiators is: “Monitor the interactive quality of the process, noting how each statement and action is linked to the next . . . .”<sup>50</sup> One should also monitor whether negotiators tacitly have similar levels of satisfaction regarding how it unfolds.

The negotiation-within is, in this respect, a joint interactive process where one explores, educates and influences negotiation dynamics in order to examine the potential for a joint, co-creating, wave-like interaction. A negotiator can educate the other party and invite them to partake in a joint action, to explore and think together

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in mediation); Marianella Sclavi, *The Role of Play and Humor in Creative Conflict Management*, 24 NEGOT. J. 157, 158 (2008) (questioning the deeply rooted dichotomy in the Western world between “playfulness” and “seriousness”).

48. Michael Wheeler & Gillian Morris, *Note on Critical Moments in Negotiation*, HARV. BUS. REV., Dec. 12, 2001, at 12; see also David F. Sally, *The Theory of Mind*, in THE NEGOTIATOR’S FIELDBOOK 377 (Andrea Kupfer Schneider & Christopher Honeyman eds., 2006) (discussing how adults perform, interpret, and anticipate interpersonal maneuvers through the mental capacity named “theory of mind” and how it affects negotiations).

49. William A. Donohue, *Critical Moments as “Flow” in Negotiation*, 20 NEGOT. J. 147, 148 (2004).

50. Wheeler & Morris, *supra* note 48.

by being transparent, suspending presuppositions and inviting mutual suspension and exploration. One can demonstrate such an approach through one's actions (e.g. by introducing playfulness and non-linear thinking, or through continuously building upon what unfolds in a non-judgmental manner). One can also use meta-discussion,<sup>51</sup> making explicit the joint action and directing attention away from each person's own perspective to the relational aspects, the joint exploration and the dynamic co-creation process.

However, even if the other party is not doing this, a negotiator may decide to make use of the wave-like mindset either in order to analyze and learn about the negotiation dynamics or in order to maintain a wave-like approach in practice. It may be the case that by maintaining a wave-like approach, a negotiator can draw his negotiation partner to gradually cultivate a similar approach. Regardless, if one is skilled in continuously applying a wave-like approach, he may still negotiate with that mindset and add value to the negotiation by continuing to do so without necessarily having to decide to shift to a particle-like approach, as long as it is constructive. At times, using the "measurement tools" for waves allows a negotiator to gather important information and acquire knowledge relevant to the negotiation process, and may invite creativity on a negotiator's part regarding how to satisfy each party's interests. Notwithstanding, a question remains as to what extent negotiators affect negotiation dynamics, even adversarial dynamics, just by applying the measurement tools of wave-like interaction, since one can choose to apply a wave-like mindset in order to gain knowledge about the negotiation dynamics even when parties engage in combative interaction. However, it may be easier for someone outside the negotiation process to analyze adversarial interactions with wave-like tools than for a negotiator to apply them in the midst of an adversarial negotiation.

It is important to note that although it may seem as if a negotiator is risking exploitation by employing wave-like interaction, thereby exposing her vulnerability by letting go of her firm presuppositions and guards, this is not the case if the introduction of wave-like interaction is seen as an invitation and a means of "testing the water." A negotiator can assess whether the other party is open to engaging in a wave-like process, and can choose to advance that process even if the other party

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51. See URY, *supra* note 40, at 39-41 (describing this technique as "naming the game").

does not approach the negotiation with a similar mindset. The process of “letting go” associated with the wave-like approach is not to be confused with giving in or surrendering one’s interests and concerns. It is instead an invitation to explore the option of co-creating a dialogic interaction and flow, rather than submitting to the other person’s level of intensity and wishes. It is a means to better understanding interpersonal dynamics rather than allowing others to control them. Wave-like interaction is about being immersed but not compliant, about increased engagement in a non-attached manner rather than disengagement from one’s needs and interests. When facing the need to keep the negotiation focused on a specific issue, for example, if one party is trying to force his agenda or refuses to listen to what the other party raises, applying a wave-like approach is not a good option, as it may cause one to adopt an accommodative style of conflict interaction and give up one’s own concerns. Even though a wave-like approach is not limited to value-creation negotiation dynamics and can be applied when claiming value, there are times in which negotiations become a combative, adversarial process where each negotiator needs to guard her own interests and in which negotiators are either incapable of or find it inappropriate to open up in the manner suggested by the wave-like approach. Another example may be in moments when one needs to evaluate the negotiation process and assess whether she should agree with what has been offered and whether her interests and concerns are being met.

#### *4.2 Using a wave-like alongside a particle-like approach*

Wave-like dynamics complement individualistic, particle-like dynamics. They cannot replace the interest-based approach or be constructive for negotiation dynamics that call for analysis of parties’ personal interests, alternatives and other concerns better addressed by the interest-based approach. Nietzsche, Buber and Bohm all make a value judgment, stating that characteristics of what this article frames as wave-like interactions are more desirable and represent reality more truthfully than the non-dialogic alternative; however, the alternative for them results in adversity, competitiveness and human alienation.<sup>52</sup> The methodologies that have been developed in the last three decades in the ADR field, which has at its foundations an individualistic

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52. The reverse can be found where under the umbrella of interest-based negotiation, at times the more analytical and thoughtful, is described as rational and desirable, while the other is seen as impulsive, visceral and reactive.

framework and rational, analytical thinking, disprove this assumption, showing that individualistic analysis and a particle-like mindset can be a collaborative endeavor. The interest-based approach shows us that a particle-like approach to negotiation situations can help parties engage in a constructive, collaborative manner, and this methodology contributes immensely to our ability to advance the process in the direction of cooperation and mutual gain. The particle-like perception of negotiation offered by negotiation theory and practice cannot and should not be overlooked, as this view of the ‘matter,’ of the negotiation setting, is an important part of our perception of negotiations and of what negotiation is. It is important for parties to prepare for negotiations following the interest-based approach methodology<sup>53</sup> and to approach certain negotiation situations accordingly, especially when in need of “measurement tools” that help one advance one’s interests or clarification of others’ interests. This can help a negotiator “stand on one’s feet without stepping on the other party’s toes.”<sup>54</sup>

The wave-like mindset and approach are not offered to replace the interest-based mindset and approach for creating value and for arriving at mutual gains. Nevertheless, the wave-like emphases offer the negotiator an additional set of options that can be useful at certain times when the limitations of the interest-based approach are evident and when relational, dialogic mindsets and skills can serve the negotiation better. On the analytical level, it can allow, among other things, awareness of the parties’ shared contribution and ability to co-create joint dynamics, awareness of tacit knowledge, and reevaluation of underlying assumptions. Approaching the negotiation with wave-like skills can help create better flow, increase creativity, improve synchronicity, enhance bonding and trust-building – all consistent with the goals of helping negotiators arrive at the best results through establishing collaborative dynamics. Rather than being over-confident with regard to their analyses of the situation, or over-cautious in guarding their perception of their desired outcomes, negotiators who help establish wave-like dynamics bring new potential and possibilities for how the situation may unfold.

In a labor negotiation that involves an employer and employee, for example, there are moments in which the parties are guarded,

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53. See, e.g., Bruce Patton, *Negotiation*, in THE HANDBOOK OF DISPUTE RESOLUTION 279 (Michael L. Moffitt & Robert C. Bordone eds., 2007).

54. WILLIAM URY, THE POWER OF A POSITIVE NO 17 (2007).

reflecting on their interests and goals for the negotiation, analyzing the other's situation and assessing each other's alternatives. However, there are moments in which the negotiation unfolds into an interaction where the two are creating a space for relating, letting go of their distinct stances and taking part in joint thinking, giving primacy to the joint space and suspending the perceptions and underlying assumptions established prior to the negotiation. While the employee may be negotiating for an increase of salary, the conversation may unfold in unexpected directions. The employer may share his vision and concerns for the future, and may invite the employee into a joint conversation about organizational concerns. They may even raise their perceptions of their professional identities, which, if done with a wave-like mindset, may elicit surprising new ideas about how the employee's job description (and perhaps salary) can be altered to be more satisfying for the employee while also meeting the needs of the organization.

While an interest-based analysis of these outcomes may enhance the value-creation achieved by addressing each party's interests, the emphases here are on the extent to which parties were able to create a joint action, refrain from attachment to preconceived notions and firm categories, be present with whatever unfolded and emerged in the interaction, adjust to the flow of the interaction, attune to each other and be open to the unexpected, suspend judgments and refrain from classifying or contradicting others' thoughts, maintain playfulness, and explore non-linear modes of thought. The emphases here are on the manner in which parties take part in a joint self-organizing activity, explore meaning, and appreciate a joint meaning-making process of ideas and terms. The parties, rather than try to match meaning with prior knowledge, are able to be aware of their own experience and adjust in accordance with what is consistent with what they felt, be tuned to the negotiation dynamics, level of intensity and nonverbal cues, refrain from allowing desired ends to control the dynamics, suspend rather than defend foundational assumptions, express genuine interest in exploring the problems and issues they are facing anew, refrain from withdrawing from relational dynamics to monologic acts, and be mindful of the context as it evolves.

The example above only presents a broad illustration; to track the dynamics that allow such a conversation to unfold, there is a need to focus on concrete moments in the interaction. What is important to stress is that the wave-like approach has, at its foundations, a mindset negotiators should cultivate and attempt to apply in certain negotiation

situations when seeing the benefit of creating dialogic dynamics. The wave-like dynamics should not be perceived as advanced skills that may be employed if the parties have managed to create such unique working relations that they are then ready to move to an “advanced” level of mutuality. With awareness of the potential embedded in wave-like interactions and with well-developed, diverse negotiation skills, negotiators can affect the dynamics from early on in the negotiation and set the terms for dialogic interaction accordingly. Brainstorming techniques, which allow parties to establish such dynamics momentarily through the suspension of judgment, are usually recommended for the later parts of negotiations, when parties invent options for mutual gain. The inventive, spontaneous qualities of brainstorming resemble the wave-like approach, and can be helpful in the early stages of negotiations, when the parties explore the problems to be addressed. Therefore, acquiring the skills of wave-like interaction can help negotiators make informed choices throughout the negotiation as to whether approaching certain situations with a wave-like approach may be of help to the collaborative negotiation process.

#### 4.3 *Wave-like Pedagogy: first steps*

In their seminal book “Getting to Yes,” Fisher and Ury introduce the term “negotiation jujitsu,”<sup>55</sup> making use of the eastern martial art as a metaphor. However, further pedagogy needs to be developed in order to embrace what the martial arts have to offer. Though Fisher and Ury’s approach touches on some skills that the practitioner of martial arts develops (e.g. refraining from reactivity,<sup>56</sup> sidestepping personal attacks<sup>57</sup>), it is important to note that martial arts are more than a technique or set of skills to adopt. Rather, martial arts is a practice through which the practitioner cultivates a worldview, awareness and

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55. FISHER & URY, *supra* note 40, at 107-128.

56. “If the other side announces a firm position, you may be tempted to criticize and reject it. If they criticize your proposal, you may be tempted to defend it and dig yourself in. If they attack you, you may be tempted to defend yourself and counterattack.” *Id.* at 108.

57. “*Do not push back.* When they assert their positions, do not reject them. When they attack your ideas, don’t defend them. When they attack you, don’t counterattack. Break the vicious cycle by refusing to react. Instead of pushing back, sidestep their attack and deflect it against the problem. As in the Oriental martial arts of judo and jujitsu, avoid pitting your strength against theirs directly; instead, use your skill to step aside and turn their strength to your ends. Rather than resisting their force, channel it into exploring interests, inventing options for mutual gain, and searching for independent standards.” *Id.*

tools consistent with what wave-like interaction emphasizes, which is different from Fisher and Ury's interest-based approach.<sup>58</sup> Further research is needed in order to describe at length how a wave-like mindset can be cultivated and how skills applicable for wave-like negotiation settings can be acquired. This future pedagogy should include an emphasis on the philosophical underpinnings of the wave-like mindset, similar to how the training of jujitsu – or any other martial art – includes such emphasis:<sup>59</sup>

The concern here is with spiritual development... training methods have been used for centuries to help students penetrate beyond the surface appearance of things and events. Various forms of meditation are perhaps the most important of these methods. The martial arts can be taught with primary emphasis on their meditative character. Those martial arts teachers with the requisite skill in this area do what they can to help students penetrate their self-created veil of illusion about themselves and the world. . . . The teacher's approach can be characterized as an attempt to put students into a position where their usual manner of viewing life becomes subject to self-examination. Put another way, the dominance of the ego over the student's life is questioned . . . we approach most situations thinking of ourselves as having distinct and fixed qualities of mind and character.<sup>60</sup>

The incorporation of “negotiation jujitsu” in a manner that implements the wave-like mindset and characteristics requires cultivating a mindset that is mindful of the relational underpinnings discussed in this article. Both the philosophical understanding and the practice serve that development, helping the practitioner gradually cultivate the worldview, mindset and skills. This is true for both martial-arts and negotiation.<sup>61</sup>

Mindfulness practices are gaining popularity in the West in recent decades, both at large and in ADR scholarship. These practices can contribute to growing a wave-like mindset and approach. Mindfulness practices, emerging from the Buddhist perception of the self as an

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58. HERMAN KAUS, *THE MARTIAL SPIRIT: AN INTRODUCTORY TO THE ORIGIN, PHILOSOPHY, AND PSYCHOLOGY OF THE MARTIAL ARTS* 94 (1997).

59. “Although the emphasis in martial arts is usually on practice rather than philosophical speculation, teachers will sometimes speak of philosophical concepts which underlie their instructions.” *Id.* at 94.

60. *Id.* at 96, 99.

61. See Christopher Bates, *Lessons from Another World: An Emic Perspective on Concepts Useful to Negotiation Derived from Martial Arts*, 27 *NEGOT. J.* 95, 95-102 (2011) (exploring syntheses of martial arts and negotiation techniques).

interdependent co-arising concept,<sup>62</sup> are aimed at helping cultivate a mindset that is aware of the ever-changing unfolding joint process and freer to let go of attachments and the need to defend one's ideas, which can create barriers to attainment of a wave-like mindset. Mindfulness practices help in letting go of attachment to a temporary and partial aspect of a situation. With mindfulness, parties are more mindful of the impermanent nature of their categories and of the joint, non-linear process of co-emergence that is taking place from moment to moment, which defines and redefines the issues discussed. This processing involves detachment from firm opinions with regard to ideas or the "self" and its mode of perception, allowing the release of firm, fixed ideas that the mind tends to cling to.<sup>63</sup>

Mindfulness practice helps develop bare attention in an inclusive manner to whatever arises, without judging or rejecting components of the dynamics. The meditator cultivates a non-judgmental and non-reactive, inclusive and aware mindset to whatever arises in the moment, aware of the flowing movement of consciousness.<sup>64</sup> Such awareness involves an intense, even radical, focus on occurrences in the present moment because it manifests a realization of occurrences as they dependently arise right here, right now in the joint process, without cravings for the future or attachment to the past. Wheeler, when writing on presence of mind in negotiation, suggests that there are moments in which a negotiator finds herself caught in an interaction of flow, where "we are fully engaged in what we are doing, we are oblivious to outside distractions."<sup>65</sup> In these moments one is fully present, being "in the zone", fully engaged in the field of interaction.<sup>66</sup> With presence of mind, a negotiator can be aware of the pace of the negotiation and proceed accordingly – neither too fast nor too slow, but rather tuned to what unfolds in the interaction.<sup>67</sup>

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62. See Kuttner, *supra* note 45.

63. "Primordially, there is simply the process of experience itself: self and object are subsequent abstractions arising out of that originally unified experience . . . 'Things' (*ho*, dharmas) are directly experienced things, given in prereflective experience without the bifurcation between self and object." THOMAS KASULIS, ZEN ACTION, ZEN PERSON 90 (1981). "In Buddhism, a particular form of 'being alone' is highly valued. . . . This particular form of being alone involves letting go of 'internalized objects' and accepting life as it is, as it comes." DAVID BRAZIER, ZEN THERAPY: TRANSCENDING THE SORROWS OF THE HUMAN MIND 27 (1996).

64. See Riskin, *Contemplative Lawyer*, *supra* note 10; JOSEPH GOLDSTEIN, THE EXPERIENCE OF INSIGHT 20 (1987).

65. Michael Wheeler, *Presence of Mind*, HARV. BUS. REV., Sept. 10, 2002.

66. *Id.* at 1.

67. *Id.* at 4.

Bernie Glassman, a prominent teacher of Zen, speaks of the mindset of releasing attachment to well-defined, secured notions in terms of doubt: “Doubt is a state of openness and unknowing. It’s a willingness to not be in charge, to know what is going to happen next. The state of doubt allows us to explore things in an open and fresh way.”<sup>68</sup> This interpretation of doubt, a state of what Japanese Zen Buddhism calls “beginner’s mind,”<sup>69</sup> is not an existential doubt one should overcome and transform into self-confidence, but an inherent and essential insecurity one transforms *into* upon giving up the illusionary self-security mentioned above, or self-confidence.

It is important to note that this does not mean giving up on one’s needs, but of having the capacity constantly to see things anew in negotiation, which requires curiosity and engagement. This allows freedom from prior conceptions and censorship, which set the terms for wanting to convince and refute. Wheeler writes:

Above all, it requires freedom from self-censorship and self-criticism. Negotiators who are able to achieve this state, or at least move towards it, free themselves of distractions caused by internal wrangling about the appropriateness of what they are thinking. Subconscious thoughts and feelings are more likely to rise to the surface where they can be acknowledged and put aside or dealt with if need be.<sup>70</sup>

Self-censorship or other-censorship, refutation or blockage of the flow, are replaced by openness to whatever arises.

The explorative mindset and the shift from problem solving to micro-focus awareness of relational “interplay” or recognition of the dependent co-arising nature of the negotiation does not imply that solving the problem is not important, but that seeing the solving of the problem as a goal that one sets may become an attachment or craving and a distraction from being present to, and aware of, the choices that one should make in the present moment.

Almost a decade has passed since the Harvard Negotiation Law Review’s forum<sup>71</sup> and special journal section<sup>72</sup> on Mindfulness in the

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68. BERNIE GLASSMAN & RICK FIELD, INSTRUCTIONS FOR THE COOK: A ZEN MASTER’S LESSONS IN LIVING A LIFE THAT MATTERS 51 (1996).

69. SHUNRYU SUZUKI, ZEN MIND, BEGINNERS MIND: INFORMAL TALKS ON ZEN MEDIATION AND PRACTICE 13 (2006 ed.).

70. Wheeler, *supra* note 65, at 10.

71. For more details, see *Mindfulness in the Law & ADR: A Workshop Discussion with Leonard Riskin*, PROG. ON NEGOT. AT HARV. L. SCH., <http://www.pon.harvard.edu/events/mindfulness-in-the-law-adr/> (last visited Mar. 20, 2011).

Law and ADR – a decade during which literature on the added value of mindfulness to negotiation from various aspects and the number of mindfulness-based courses available for lawyers and ADR specialists have grown. In October of 2010, Berkley Law School hosted a conference titled “The Mindful Lawyer,” organized by The Center For Contemplative Mind In Society, dedicated to various endeavors throughout the United States to incorporate mindfulness practices into law schools’ curriculum.<sup>73</sup> However, more work is needed in order to frame the incorporation of mindfulness-based philosophy and practices into negotiation pedagogy so that they methodically cultivate the mindset and approach of wave-like negotiation interactions as presented in this article.<sup>74</sup>

Other tools have already been introduced to negotiation scholarship that can advance awareness of wave-like dynamics and relevant skills, including improvisational comics’ techniques, lessons learned from Jazz musicians’ jam-session skills,<sup>75</sup> an integration of the research on “flow” to describe negotiation dynamics,<sup>76</sup> Complex Adaptive Systems principles,<sup>77</sup> “adaptive negotiation” techniques,<sup>78</sup> and

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72. Keith A. Becker, *Divided Court Crosses Wires Over Circuit City Decision: Holding Casts Doubt on Ninth Circuit’s Duffield Decision*, 7 HARV. NEGOT. L. REV. 1 (2002).

73. For more information see the Conference website at <http://mindfullawyerconference.org/> (last visited Mar. 20, 2011).

74. For ideas on negotiation pedagogy using mindfulness concepts and practices, see Leonard Riskin, *Mindfulness: Foundational Training for Dispute Resolution*, 54 J. LEGAL EDUC. 79 (2004); Ran Kuttner, *Wisdom Cultivated Through Dialogue*, 24 NEGOT. J. 101 (2008).

75. “Members of a jazz ensemble, for example, create something that no one of them could produce individually. Likewise, in improvisational theater, the actors help one another to “co-create” a scene. In both settings, the artists pick up on each other’s cues and continue the scene based on each other’s information.” Lakshmi Balachandra et al., *Improvisation and Negotiation: Expecting the Unexpected*, 21 NEGOT. J. 415, 421 (2005); see also Lakshmi Balachandra et al., *Improvisation and Mediation: Balancing Acts*, 21 NEGOT. J. 425 (2005); Lakshmi Balachandra et al., *Improvisation and Teaching Negotiation: Developing Three Essential Skills*, 21 NEGOT. J. 435 (2005); Frank Barrett, *Creativity and Improvisation in Jazz and Organizational Learning*, 9 ORGANIZATION SCIENCE 605 (1998).

76. Wheeler, *supra* note 65 and accompanying text; Donohue, *supra* note 49 and accompanying text.

77. See Peter Robinson, Arthur Pearlstein & Bernard Mayer, *DyADS: Encouraging Dynamic Adaptive Dispute Systems in the Organized Workplace*, 10 HARV. NEGOT. L. REV. 339 (2005); Michael Wheeler & Gillian Morris, *Complexity Theory and Negotiation*, HARV. BUS. REV., June 18, 2002.

78. See Jane Seminare Docherty, *Adaptive Negotiation: Practice and Teaching*, in VENTURING BEYOND THE CLASSROOM: VOLUME TWO IN THE RETHINKING NEGOTIATION TEACHING SERIES 481 (Christopher Honeyman, James Coben &

the integration of Conversation Analysis methodology into negotiation analysis.<sup>79</sup>

Further scholarship is needed to develop pedagogy to help negotiators understand the philosophical framework and the alternative foundations that underlie the wave-like approach, cultivate the wave-like mindset, engage in wave-like practical experiences, realize the psychological barriers to establishing wave-like dynamics, explore the advantages and limitations of approaching negotiation situations from a wave-like perspective, and develop the skills that would allow creating the conditions for such dialogic interaction.

### CONCLUSION

The question that this article addresses is not choosing between adversarial and collaborative negotiation, or between value-claiming and value-creating, but rather between two constructive approaches to negotiation. These two mindsets are consistent with conflicting human tendencies, an inherent tension that represents what it is to be human. While the modern Western world developed with a clear preference for one mindset, this paper calls for increased awareness of the tension between the two and for a more balanced approach to negotiation interaction accordingly. This would equip negotiators with skills to relate to human dynamics in a more holistic fashion, aware of the negotiation-within they need to conduct regarding which mindset and approach would best advance their negotiation in specific situations.

We are used to two non-constructive choices negotiators have when in the face of conflict, framed in the expression “fight or flight.” This article offers very different choices, both representing constructive approaches to negotiation dynamics, with which negotiators can approach certain negotiation situations. These choices can be framed using two other f-options: “fragment or flow.” The unbalanced usage of the suggested mindsets and ways of approaching matter and human dynamics in modern history brought few of the authors cited

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Giuseppe De Palo eds, 2010) (illustrating how basic negotiation terms such as ZOPA and BATNA are contextually dependant and socially constructed and arguing that many students do not fully embrace the notion of autonomy as the interest-based model assumes, and advancing reflective practices to help identify negotiators' patterns and assumptions).

79. This is a methodology that micro-focuses on how social actors create meanings, outcomes, identities, and relationships. See Phillip Glenn & Lawrence Susskind, *How Talk Works: Studying Negotiation Interactions*, 26 NEGOT. J. 117 (2010).

throughout this article to call for transforming the fragmented, particle-like mindset and approach into a different, wave-like way of thinking and perceiving human interaction. Transformation from one to the other is not needed, but rather awareness of the centrality of both and the human tension that underlies the incorporation of both, as well as the need to make use of both. This can be achieved first by overcoming a somewhat mystifying view of the wave-like approach and further by developing pedagogy that follows the assumption that a wave-like mindset can be cultivated and a wave-like negotiation approach can be taught. This would allow negotiators both to analyze certain situations from a wave-like perception, and to take part in them with a mindset and approach that are less common in current negotiation theory and practice.

Another important emphasis to take from the quantum wave/particle metaphor is the crucial role the negotiator plays in creating the situation via the “measurement tools” or perception with which she decides to analyze the situation at hand. Through the lenses with which one chooses to examine the situation, negotiators not only react to a certain reality but also give it life, either as a wave-like or a particle-like situation. That insight demands further research in order to unpack its implications. For example, a question that needs to be asked is what it will do to negotiation situations if we see and analyze interactions in a wave-like way, even if the interaction itself is adversarial. Another related question that deserves further investigation is to what extent is the distinction between the observer and the observed is consistent with the metaphor of the quantum physics’ wave/particle principle, and whether there is a need to distinguish between negotiation analysis performed by a third party – either a lawyer representing a client, or other agents – and negotiation analysis performed by the negotiator in situ.

With increased awareness of the human tension described throughout this article negotiators will arrive at a fuller experience of the complexity of negotiation, embracing the contradictory human tendencies discussed as they emerge within the flow of interaction. As Csikszentmihalyi explains:

[F]ollowing a flow experience, the organization of the self is more *complex* than it had been before. It is by becoming increasingly complex that the self might be said to grow. Complexity is the result of two broad psychological processes: *differentiation* and *integration*. Differentiation implies a movement toward uniqueness, toward separating oneself from others. Integration

refers to its opposite: a union with other people, with ideas and entities beyond the self. A complex self is one that succeeds in combining these opposite tendencies.<sup>80</sup>

The wave-particle duality sheds light on this psychological duality and offers a theory-building step that will help us understand another aspect of the negotiations we should conduct, both within and when negotiating with others. It will allow negotiators to cultivate awareness of this basic human tension, to consciously and thoughtfully consider it, and to cultivate skills to translate this awareness into implementable negotiation approaches to manage this tension in a constructive, inclusive manner throughout the negotiation process.

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80. MIHALY CSIKSZENTMIHALYI, *FLOW: THE PSYCHOLOGY OF OPTIMAL EXPERIENCE* 41 (1990).