

Women, Men and Negotiation: A Call for Introspective Reflection

By Caroline Petrilla

Many years ago an associate asked me to serve as a last minute substitute mediator in a high stakes multi-party environmental insurance coverage case. The parties involved had already traveled from great distances, including London, to participate. The designated neutral, a prominent male attorney-mediator, received an urgent call en route to the mediation that his child was in the hospital. There was no time to advise parties of the substitution.

As I entered the conference room, I noticed I was the only woman there. All the participants were white middle-aged men in dark suits. Before I had a chance to advise them of the situation, they handed me a yellow lined note sheet on which was scribbled about a dozen coffee orders.

There was no time to over-think. I left the room with the yellow paper in hand. I returned with their coffee. Once the coffees were distributed, I introduced myself, explained the sudden substitution and began the mediation introduction. Lawyers and their clients stared at me -silently and sheepishly. During just one round of caucuses, we successfully discussed allocation and dollars; the case settled seamlessly. Never since have I had such a complex matter come together so quickly and smoothly.

Today, about two decades later, this scenario would hopefully be far less likely to happen. Still, as a negotiation and mediation trainer and adjunct professor, I often use this story to illustrate the critical role of perceptions in negotiations. This article will look at real and perceived gender differences in negotiations. It will also explore the implications of cooperative versus competitive styles specifically as related to the performance of female negotiators.¹ Finally, the need for self-awareness of our own perceptions and gender biases is identified as a key ingredient in becoming more effective negotiators.

Researchers have conducted numerous studies in efforts to quantify gender-based differences in day-to-day negotiations. Historically, studies have shown that women are less likely than men to perceive their environment as changeable.² This may be one reason why men are two to nine times more likely to negotiate than women.³ Negotiation is essentially an exercise which involves changing the status quo. When women perceive their situation as being fixed, they are less likely to ask for improved circumstances. Recognizing opportunities for gain is a critical first step in increasing the universe of what is negotiable. Though some studies indicate younger women are making significant strides in recognizing negotiable opportunities, there is a fear that this more equal dynamic will change with age.⁴ Seizing these opportunities, once identified, presents other challenges. Women are more likely to assume that deserving people will be justly rewarded by their employers, associates, families, and friends.⁵ Therefore reaching for recognition is less comfortable for women than men. Women are also more likely to both feel and be perceived as pushy or bossy when they assert their needs.⁶

This may help explain the discomfort level of women overall as negotiators. Studies have shown that men usually rate participation in negotiation as more like a game whereas women more frequently compare it to a dentist visit.⁷ This level of discomfort correlates with self-advocacy rather than advocating for others.⁸ A sense of selflessness undercuts both a woman's opportunities to negotiate and her success at

doing so. For example, women are less inclined to negotiate their salaries and, when they do, start with lower demands than men.⁹

Women Don't Ask is the underlying theme of Linda Babcock's and Sara Laschever's book of that title. This theme is also conceptually woven through Sheryl Sandberg's recent best seller *Lean In*. In support of her title premise, Babcock cites a university investigation into an apparent glaring inequity. The vast majority of its graduate students teaching courses were male. Inversely, the vast majority of graduate teaching assistants were female. The investigation revealed that the numbers clearly reflected the initiative of the male students in requesting these positions.¹⁰ Women did not ask. Studies find women overall have a lower sense of entitlement. A higher sense of entitlement is related to aiming higher and standing firmer in one's request. Babcock contends that this low sense of personal entitlement which often thwarts women's sphere and success in negotiations emanates from society's gender norms. Sandberg also attributes women's reticence in initiating negotiations to gender stereotypes that have become self-fulfilling prophecies.¹¹

This interplay of gender stereotypes and effective negotiation skills requires a mental contortionist to reconcile. To cite one such example, asking is an exercise in asserting. Assertiveness is a frequently referenced positive negotiation skill. However, research has revealed that assertive women are less well-liked than those who are not assertive.¹² This presents a negotiation quandary specific to women since "likeability" has been found to be critically linked to a woman's ability to influence others.¹³ Men, on the other hand, are equally well-liked whether they are assertive or passive and there is no correlation between their likeability and ability to influence.¹⁴ How can a woman scale this hurdle?

The forecast for female negotiators is not nearly as gloomy as some of the sociology-based research may appear to predict. Many studies have shown equal and greater success by women negotiators, even when navigating within traditionally male dominated consumer venues. A recent blog reports women do more homework than men and save more money when purchasing vehicles.¹⁵

Before adopting the more competitive male-associated game mentality, women should consider the strengths of their collaborative perspective.¹⁶ Babcock stresses that women's focus on cooperation and relationship building can be a huge advantage in the negotiation setting.¹⁷ A multitude of negotiation studies have shown that a cooperative approach, aimed at finding good outcomes for all parties, produces solutions that are objectively superior to those produced by more competitive tactics.¹⁸ Integrative tactics are basic tools of the trade for today's professional negotiators and mediators who were weaned on Fisher and Ury's *Getting to Yes* negotiation primer. Babcock suggests that, "Perhaps, most importantly, integrative tactics [asking questions, listening, sharing information, and trying to find solutions that satisfy the needs of both sides] involve behaviors at which women often excel."¹⁹ The influence of this school of thought - that skillful negotiation dovetails so well with women's perceived strengths -has fueled the half-joking inference "that the goal of many negotiation courses today is to train people to negotiate like women."²⁰

Babcock's contention that women more frequently than men negotiate through utilization of integrative practices and cooperation appears to be supported by research.²¹ One such study conducted by Jennifer Halpern and Judi McLean Parks found dramatic differences in negotiation styles between men and women.²² The men typically focused on the more competitive elements of the negotiation while the women focused more on the relational aspects. It is important to note that though desirable from a

theoretical perspective, cooperative approaches do not always guarantee success. Another study by Linda and Hannah Riley revealed that although all-female pairs outperformed all-male pairs of negotiators, women negotiators were sometimes vulnerable to the onslaught of a more competitive approach.²³ A common-sense response of adjusting one's style and tactics to meet the evolving dynamics of the negotiation process would suit male and female negotiators alike.

Ultimately, each individual is unique. No one shares the same life story. There is no way we can predict a person's style or success as a negotiator based solely on gender. We must, however, acknowledge the social undertones and gender norms which impact our individual and collective decision making processes. Knowledge of differences in gender based negotiation style can help steer our own negotiation styles in a more productive manner. For example, knowing that men overall appear to value status more highly than women can assist in expounding upon options and crafting settlement agreements.²⁴ Understanding that women's tendency to apologize is usually an expression of empathy and not an admission of weakness helps in reframing the substantive concerns.

But an awareness of gender differences and perceived biases impacting negotiations is greater than the practical implications illustrated. The social ramifications are incalculable. In our interpersonal and professional communications, we make negotiation choices daily on a conscious and subconscious level. What within us informs those choices? Gender bias crosses gender lines. There is substantial research that supports that women are not only harder on themselves, they tend to judge other woman more critically than they do men. How can we start to support each other in confronting the gender biases that impede effective negotiations in our personal and professional lives? What do we teach our girls and boys, explicitly and implicitly, about becoming successful negotiators?²⁵ How can we help them to expand their universe of negotiable possibilities? Finally, as educators, how do we generate an awareness of gender-based negotiation differences and the underlying social norms that impact negotiation styles without perpetuating the very stereotypes we shun?

This is a call to look inward. We should routinely reflect upon the mirrored images of our own perceptions and make them truer and clearer. Only once we have cultivated a deep level of self-awareness, can we truly master the art of negotiating fairly and effectively.

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¹ Most studies cited as related to gender differences in negotiations do not focus on trained and experienced professional negotiators.

² LINDA BABCOCK & SARA.LASCHEVER, WOMEN DON'T ASK 18 (2003).

³ Linda Babcock & Sarah Laschever, *First You Have to Ask*, NEGOTIATION (Harv. Program on Negot., Cambridge, Mass.), Jan. 2004.

⁴ BABCOCK & LASCHEVER, *supra* note 2, at 38-40. As men grow older, their life experiences are expected to continue to reinforce their propensity to seeing opportunity everywhere. The fear is that reality may have the opposite impact on women. Much may depend on the experiences of the younger generation of new negotiators.

⁵ *Id.* at 18.

⁶ *Id.*

⁷ Ten years ago, MBA students were asked if they were entitled to a salary similar or greater than the salary offered to other job candidates. Seventy percent (70%) of the candidates who thought they were entitled to a greater salary were men; seventy percent (70%) who thought they should receive a similar salary were women. *See* BABCOCK & LASCHEVER, *supra* note 2, at 52-55.

⁸ BABCOCK & LASCHEVER, *supra* note 2.

⁹ *Id.* at 62-72. Recent studies have indicated this gender gap in salary negotiations may be closing as related to occupations with more defined salary expectations.

¹⁰ *Id.* at 1.

¹¹ SHERYL SANDBERG, *LEAN IN* 22 (2013).

¹² BABCOCK & LASCHEVER, *supra* note 2, at 87-88.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Dana Farrington, *Women's Car-Shopping Tactics Steer Them Toward Better Deals*, NPR (Jan. 27, 2012, 7:14 AM), <http://www.npr.org/blogs/thetwo-way/2012/01/27/145941803/womens-car-shopping-tactics-steer-them-toward-better-deal> ("When it comes to buying cars, women do their homework — and it pays off. A recent report from LeaseTrader.com finds women generally get better deals than men when they buy cars."). Contrast this study with Saturn's earlier popularity with women which were greatly attributed to Saturn's no haggling price policies. *See* Babcock & Laschever, *supra* note 2.

¹⁶ BABCOCK & LASCHEVER, *supra* note 2, at 165-173.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ When negotiating, consider offering different social comparison information to men and women – men tend to care more about status than women do according to researchers Bruno S. Frey and Stephan Meier of the University of Zurich. *See Men, Women, and Status in Negotiations*, HARV. PROGRAM ON NEGOT. BLOG (Mar. 21, 2013), <http://www.pon.harvard.edu/daily/women-and-negotiation-daily/men-women-and-status-in-negotiations/>.

²⁵ By the age of six, psychologists believe, "children are experts at gender schemas," able to recognize and understand the multiple gender cues all around them. *See* BABCOCK & LASCHEVER, *supra* note 2, at 28 (quoting Valian 1998 study). Social norms creating gender specific society expectations have the potential of stymieing the quality and breadth of communication and negotiation styles, techniques, and approaches of women and men.