

## Scorable Games: A Better Way to Teach Negotiation?

Lawrence E. Susskind

In duplicate contract bridge, several teams of players at different tables receive identical hands of cards, bid, and then play. Possible outcomes of each game vary considerably since, even though the teams are playing the same hands, they may devise bidding strategies that are more or less effective than those developed by their counterparts at other tables.

The importance of strategy in duplicate bridge parallels the importance of negotiation strategy in scorable negotiation games, new teaching tools developed by the Program on Negotiation at Harvard Law School. Both can result in widely different outcomes and both use predetermined value systems to constrain how different sets of players work with the same information. The pedagogical objective of scorable negotiation games is to show disputants how they can secure win-win outcomes in conflict situations. To illustrate, I will briefly describe the characteristics and a typical "run" of one such game, HARBORCO, and comment on some of the advantages and disadvantages of using scorable games to teach negotiation.

Usually, three to ten groups of six persons play HARBORCO at the

same time (sometimes in separate rooms, sometimes at separate tables in a large hall). Players can include participants in actual disputes, public officials, graduate students, or mid-career dispute resolution professionals. The players, or parties to this dispute, represent six different interests: HARBORCO, an industrial consortium that wants to build a major new deepwater port; a coalition of environmentalists opposed to the facility; union leaders worried that a modern, containerized facility will eliminate jobs; the federal agency responsible for both protecting and developing coastal resources; competing ports in the region who foresee a reduction in their business volume; and the governor of the state in which the new port would be located who is torn between the economic advantages of a new port and the possible loss of political support from unions and environmentalists.

An independent regulatory agency that must approve a license before any version of the project proceeds has called the six parties together in an effort to negotiate agreement. The agency has indicated that it will *only* grant licensing approval if at least five of the six parties agree on a "pack-

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Lawrence E. Susskind is Professor of Urban Studies and Planning at the Massachusetts Institute of Technology and Executive Director of the Program on Negotiation at Harvard Law School, Cambridge, Mass. 02138. Co-author of *Resolving Environmental Regulatory Disputes* (Cambridge, Mass.: Schenkman, 1984), he has served as a mediator of public disputes at the local, state and federal levels.

age" of policies, designs, and financial arrangements. They must do so before a deadline two hours away. And, within that two-hour period, the parties must reach agreement on five specific issues: 1. The industrial mix in the area adjoining the proposed port (all clean industry, a mix of clean and dirty industry, or mostly dirty industry); 2. The effort that will be made to mitigate adverse environmental impacts (the minimum required by law, maintenance of existing conditions, or enhancement of environmental quality); 3. Construction cost subsidies or loan guarantees provided to HARBORCO by the federal government; 4. Future hiring preference for existing unionized workers; and 5. Compensation, if any, paid to other ports.

Each player-negotiator receives a package of general information spelling out the history of the proposed port, the results of detailed studies analyzing the choices facing the negotiators, and a summary of past positions taken by each of the parties. In addition, each receives a separate packet of confidential information, including arguments that each player can use to press his or her views, and a score sheet. The score sheet indicates the player's minimum goal, or "walk-away" position, and the number of points that player will receive if each option under consideration becomes part of the final agreement. For instance, the environmental coalition learns it will receive 20 points if the negotiated agreement substantially improves environmental quality, 10 points if promises are made to mitigate some environmental damage, and a loss of 20 points if nothing is promised. Finally, each player is given an estimate of what no agreement represents in terms of a total number of points.

Negotiations then begin. Every half

hour the convening agency asks if there is a package of options that HARBORCO would like to propose. If at least five-way agreement is not reached, the agency indicates it will be back again in half an hour. The parties are free to caucus or take informal votes at any time before the deadline.

As soon as the negotiations conclude, a debriefing begins with the posting of scores from each table. It is not unusual for half the groups to reach no agreement, for several to reach five-way agreement, and for one to reach six-way agreement. For those at tables that reached no agreement, the value of each player's "walk-away" position is the score that each receives. For all the others, each player's score ranges from the minimum needed for a yes vote to levels almost 20 percent higher (N.B., Don't tell that to anyone who hasn't yet played the game!).

The players at tables that reached no agreement then describe their negotiations. Usually, HARBORCO, as instructed, had preempted discussion by proposing a package designed to ensure the greatest return on its investment. The other negotiators protested, and a series of caucuses began. HARBORCO, offering various concessions, tried to forge a winning coalition with at least four other players. Groups opposed to the port caucused simultaneously, seeking to block any pro-HARBORCO agreements. Few coalitions were stable. Each player was in something of a bind—not wanting to be left out of any settlement that might emerge, but also working to block packages that offered too few points. Sometimes agreement eludes the players even when the proposed package will allow five of the parties to vote yes (i.e., to do better than their required minimum scores). They were

either holding out for still higher scores or blocking agreements in an attempt to deprive others of what they presumed would be unduly large gains. Often, the exchanges in the groups that fail to reach agreement become quite heated.

The debriefing continues with a description of the negotiations among groups that reached five-way agreement. Typically, there was very little activity away from the bargaining table. HARBORCO began by asking each group to express its concerns. It sought to build a package incrementally, attempting to pyramid proposals responsive to each group's concerns. Some players, usually the other ports, unions, and environmental coalition, held out for no project at all since their assigned walk-away scores were high. The blocking coalition dissolved, however, in the face of increasingly attractive offers from HARBORCO to meet the demands of both the union and the environmentalists. The representative of other ports continued to vote no.

Some players are quite surprised to learn during the debriefing that a six-way agreement is possible. Of the 55 agreements that meet the minimum conditions for approval, only nine yield six-way agreement. Most of these produce relatively high scores for several players, although there are some five-way agreements that produce even better scores for individual players. Six-way agreements are reached only when the parties dedicate themselves to building consensus, working hard to respond to each other's concerns. While forbidden from revealing their confidential point allocations, they must find a way to communicate the contents in a manner that is believable to the others. In effect, the parties create joint gains by trading across issues

they value differently and develop packages that allocate those joint gains.

The most significant moment in the debriefing occurs when those who reached no agreement realize that they could have done better for themselves by working to help their adversaries do better. At first, there are cries of "foul." Those who reached no agreement claim that they have been tricked, that there is something inherently unrealistic about the scoring system. After further discussion they begin to realize that they were not, in fact, in a zero-sum negotiating situation. Joint gains were possible because each player attached a different level of importance to the various issues being negotiated. Such gains could have been realized if they only had listened to each other more carefully. In addition, they discover that strategy and tactics made a difference.

Scorable games have several limitations. First, players must quickly read a great deal of material before negotiations begin so that everyone is working with the same set of facts. Improvisation is not allowed. For example, the environmental coalition in the HARBORCO game cannot propose alternative (i.e., out-of-state) locations for the port. The players are restricted to just the five items under discussion and location is not one of them. This limitation on the process of invention assures the scorbility of the final package. It takes months of elaborate research to develop a realistic scoring system for each complex game. All the points and scores must be prefigured, so that there is an artificially small number of agreements that satisfy all six parties. Unless six-way agreement is difficult to achieve, it is not possible to make the primary pedagogical point: players will do better for

themselves in a multi-issue negotiation when they try to help their adversaries do better.

Non-scorable games are usually followed by debriefings too, but in these the instructor asks the players to discuss their "feelings" about the outcomes. Objective evaluations are not possible. Since all possible agreements cannot be anticipated the parties can promise almost anything they want to achieve closure. The problem with this approach is that the players are not required to compare proposed packages with the precise value of walk-away positions or with results at other tables. They also cannot evaluate how well they did relative to a highest possible score.

In the absence of such comparisons, there is no way for each player to evaluate the relative effectiveness of various tactics and strategies. While non-scorable games provide important pedagogical opportunities to stress the significance of creativity, they do not allow for rigorous cross-table comparisons or the analysis of best possible outcomes.

It takes months of full-time effort to develop realistic multi-issue, multi-party scorable games. The Program on Negotiation has developed several. Two were created for the U.S. Department of Energy to simulate negotiations over the siting of low level radioactive waste disposal facilities. Another simulates a negotiation over the allocation of fishing rights in the face of competing pressures on a declining collective resource and substantial scientific uncertainty regarding the future of government planting policies. Still another involves a negotiation between an environmental regulatory agency and a company that is polluting a river.

All these games have been used for graduate level instruction as well as

mid-career professional training. Some were designed to help the actual parties in real disputes come to grips with their differences. By working in a slightly fictionalized context, the disputants seem to have an easier time trying to resolve their conflicts. Because the stakes are much lower, they can try strategies different from those they might use in the actual dispute. In addition, the notion of maximizing joint gains takes on greater meaning in relation to the details of an actual situation. In post-training interviews with the participants in one workshop, more than half of the players indicated that participating in a scorable game had changed their ideas regarding negotiation. They were now open to the idea that win-win options are most likely to be discovered when disputants try to present "yesable" propositions to their adversaries.

Two problems have emerged during some of the runs of the scorable games. Participants have complained about what they feel are unrealistic pressures to reach agreement, and the dominance of point-trading over matters of ideology or principle. As the negotiation deadline approaches, the group surges toward agreement, and holdouts find that they are under a great deal of pressure to submit to the will of the group. To the extent that such group pressure is nothing more than the result of one table's desire to best the other tables (on the assumption that agreement will be rewarded), the criticism is justified. However, the criticism fails to recognize that the players become part of a "community" in which group norms often conflict with individual self-interest. Indeed, this is exactly what happens in a great many multi-party negotiations. Likewise, the imposition of deadline pressure in the game reflects a time factor that is often pre-

sent in actual negotiations.

The second complaint is one that the makers of scorable games must heed carefully. In the games designed by the Program on Negotiation (since HARBORCO), the bottom line positions that the players must equal or beat have been defined not just quantitatively, but also in terms of key principles that must be protected. So, for example, the environmental coalition would not only have to negotiate a package that exceeded a cer-

tain total point score, but also one that did indeed enhance environmental quality. Points alone would not be enough. Such restrictions are required to ensure that negotiated outcomes are true-to-life.

While there is much more to learn about the design and pedagogy of scorable games, I would argue that they ought to be part of every negotiation training course. They complement traditional non-scorable games in important ways.