Scorable Games:
A Better Way to Teach Negotiation?
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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 midcareer 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-
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 in-
formal votes at any time before the
deadline.

As soon as the negotiations con-
clude, 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 agree-
ment, 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 ne-
gotiations. Usually, HARBORCO, as
instructed, had preempted discussion
by proposing a package de-
signed to ensure the greatest return
on its investment. The other negotia-
tors protested, and a series of caucuses
began. HARBORCO, offering vari-
ous concessions, tried to forge a win-
ing coalition with at least four other
players. Groups opposed to the port
caucused simultaneously, seeking to
block any pre-HARBORCO agree-
ments. 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
offered too few points. Some-
times 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 re-
quired 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 agree-
ment 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 bargain-
ing table. HARBORCO began by ask-
ing each group to express its con-
cerns. 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 environ-
mental coalition, held out for no
project at all since their assigned
walk-away scores were high. The
blocking coalition dissolved, how-
ever, in the face of increasingly
attractive offers from HARBORCO to
meet the demands of both the union
and the environmentalists. The rep-
resentative 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 indi-
vidual players. Six-way agreements
are reached only when the parties
dedicate themselves to building con-
sensus, working hard to respond to
each other's concerns. While forbid-
den 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 an 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 fur-
ther discussion they begin to realize
that they were not, in fact, in a zero-
sum negotiating situation. Joint gains
were possible because each player at-
tached a different level of importance
to the various issues being negoti-
ated. Such gains could have been
realized if they only had listened to
each other more carefully. In addi-
tion, they discover that strategy and
tactics made a difference.

Scorable games have several limi-
tations. First, players must quickly
read a great deal of material before nego-
tiations begin so that everyone is
working with the same set of facts.
Improvisation is not allowed. For ex-
ample, 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 sco-ability of the final package. It takes
months of elaborate research to de-
velop 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 agree-
ment is difficult to achieve, it is not
possible to make the primary pedagog-
ical 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 holds out 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 present 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 certain 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.