

**ABA Section on Dispute Resolution
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**Game Playing in Negotiation and Mediation:
Machiavelli's Place At the Table
R.D. Benjamin**

Description:

While often dismissed as disingenuous, irrational, or “Machiavellian,” game playing strategies and devices are a natural and necessary part of the negotiation and mediation of difficult issues and controversies. The behavior offers participants protection and provides a lubricant for collaboration which can allow complex issues to be managed constructively and creatively. This interactive workshop will offer an inventory of common strategies and devices, their applications, benefits, risks, and ethical limits.

The organizational structure of this inventory is based on the working assumptions that game playing behavior is an integral part of all negotiative processes regardless of forum or context, and that each of the five common negotiative approaches have characteristic gaming strategies and devices associated with them.

The works of Shakespeare are proof that ‘the truest poetry is the most feigning.’ He distinguishes between lies told merely to contradict the truth, and “a lie that cancels the antagonism” and opens the possibility of new worlds. The trick of a good lie is not so much to gain advantage but to muddy the line between what people believe is true and false.

-Louis Hyde, Trickster Makes This World, 1998

We cannot reason ourselves out of our basic irrationality. All we can do is learn the art of being irrational in a reasonable way.

-Aldous Huxley, Island, 1962

Presentation Outline:

1. From truth and honesty to deception and lies in negotiation;
The spectrum of game playing behaviors;
2. The necessity of game playing: Machiavelli, natural history, neuroscience, and the cognitive psychology of game playing behavior;
3. Cultural ambivalence: the allure and disgust with game playing in negotiation;
4. “Predictable irrationality:” game playing and rational models of mediation and negotiation;
5. An inventory of game playing strategies, devices and behaviors—their applications, benefits, risks;
6. The ethical limits of game playing

The series of articles on GAME PLAYING IN NEGOTIATION:

Part 1, Evolutionary Purpose and Necessity—Machiavelli’s Place at the Table

(<http://www.mediate.com//articles/BenjaminMachiavelli.cfm>)

Part 2, An Inventory of Strategies and Devices

2.1 Overview and Organizational

(<http://www.mediate.com//articles/BenjaminMachiavelli2.cfm>)

(forthcoming:)

2.2 Reasoned Persuasion and Games of Reason

2.3 Positional Bargaining and the High-Low Game

2.4 Caucus Style Negotiation and “Divide and Conquer” Game

2.5 Competitive Negotiations and the Intimidation Game

2.6 Relational Negotiation and the “I Feel Your Pain” Game

Part 3, A Framework for the Assessment of Constructive Uses, Risks and Ethical Limits

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Many of the presenter’s other articles and publications are available at Mediate.com and at rbenjamin.com at (<http://rbenjamin.com/pg226.cfm>)

Presenter Bio:

Robert Benjamin, M.S.W., J.D, has been a practicing mediator since 1979, working in most dispute contexts previously practiced as a lawyer and social worker for over 30 years. He presents negotiation/mediation seminars and training courses nationally and internationally and has taught in numerous law and graduate programs as an adjunct professor for over 40 years. He is the 2009 recipient of the John Haynes Distinguished Mediator Award Association for Conflict Resolution, the author of numerous articles and book contributions, and a Senior Editor at Mediate.com. **Contact:** www.rbenjamin.com; tel: 503 407 6077