

Mediator Insights:
Myth – Negotiation is Manipulation

By: Sylvia Mayer – Arbitrator, Mediator, and Attorney with S. Mayer Law

A common misconception is that negotiation (or mediation) is a form of manipulation. I strongly disagree. Manipulation influences outcomes through deception, lies, fear, and dominance. Whereas negotiation and, by extension, mediation influences decision-making through connection, communication, understanding, and exploration.

As Dan Oblinger and Allan Tsang wrote in *Negotiation Mythbusters*:

When we use tactics designed to minimize consent, compel agreement, and leverage power and authority, we are no longer negotiating.

Ethics and effectiveness should never be at odds.

Aggression, compulsion, force, fraud, and outright lies are crutches.

I agree. As a mediator, I help parties find their path to resolution. It is their resolution and their path. My role is not to dictate or force an outcome, but to empower them to find the right outcome for their dispute.

We get from here (dispute) to there (resolution) in many ways. Listening. Empathy. Connection. Validation. Re-framing. Dialog. Sharing. Exploration. Reciprocity. Receptivity. Even haggling.

To have a durable resolution, what we should not use is manipulation. Why? Because dominance, lies, fear, and deception often result in failed resolutions.

This does not mean that, in a negotiation or mediation, hard questions cannot be asked, and difficult conversations should not be held. Reality testing, inquiry, and feedback are critically important parts of the process. But dominance and falsehoods are not. Mediation is manipulation is a myth. Consent and safety are cornerstones of ethical mediation and negotiation and durable agreements.



Author's Note: As a mediator, I am a "forever student" always seeking new ways to help people find a path to resolution in mediation. "Negotiation Mythbusters" by Dan Oblinger and Allan Tsang inspired this post. Reading their book challenged my view of many oft-touted truisms about mediation and negotiation. If you aren't a reader, but still interested in what they have to say, then you may enjoy this podcast in which they talk about their book: Negotiations Ninja Podcast, Busting Negotiation Myths with Dan Oblinger and Allan Tsang (July 27, 2020), <https://www.negotiations.ninja/podcast/busting-negotiation-myths-with-dan-oblinger-and-allan-tsang-ep-146/>.