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*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

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# *Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' – A critical review of principled negotiations across borders

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**Purpose -** The purpose of this paper is to investigate the implicitly assumed universality of the best seller negotiation literature *Getting to Yes* by Roger Fisher and William Ury.

**Design/methodology/approach -** Existing cross-cultural-negotiation literature was systematically searched for findings indicating either a higher or lower likelihood of successfully applying the authors' advice in different cultural environments, as defined in the Hofstede framework or The Globe Study. The findings were aggregated, categorized into a matrix, synthesized, and analyzed.

**Findings -** This paper finds that the assumed universality of the method of *Getting to Yes* and its single principles is not supported by research. Instead, a dichotomy of the four principles' applicability along the Individuality dimension of Hofstede was found. Hence, the western orientation of *Getting to Yes* is reality, inhibiting its use in non-western cultures. However, in one principle - Invent options for mutual gain - the findings refute a successful application in western cultures. Additional findings and research gaps are presented.

**Originality/ Contribution -** Although widely used in research, scholars only addressed sporadic comments concerning the limitations of *Getting to Yes* across cultures. Often the universality of *Getting to Yes* is either implicitly or explicitly assumed in research and practice. This paper approaches this topic systematically by providing evidence that *Getting to Yes* is not universal and conceptually sees negotiations through a western shaped perspective that provides considerable implications for research, practice, and teaching.

**Practical/ Teaching Implications -** Practitioners should apply *Getting to Yes* with caution, if at all, in a non-western environment. For the teaching of negotiations, alternative approaches for conducting negotiations in the non-western world are needed.

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1

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

## Introduction

Almost 40 years have passed since Fisher and Ury published their seminal book *Getting to Yes*, offering a new perspective in negotiations along with the principled approach. While its focus is conceptual (Lewicki *et al.*, 1992), practical, and anecdotical (White, 1984), its impact on the academic world is significant. The citation metrics speak for themselves; for example, Google Scholar (2021) counts 13,833 citations of *Getting to Yes*. This alternative negotiation approach celebrated its distribution worldwide, used by trainers and practitioners (Bond, 2013), with more than 10 million copies sold and translations into 30 languages (Getting to Yes, 2021). Hence, the book can be considered without exaggeration as one of the most influential pieces of literature in negotiations.

However, the authors of *Getting to Yes* are not reflecting the limitations of its use, especially in Cross-Cultural-Environments. In the first edition in 1981, culture was not even mentioned by the authors, even though early research speculated that culture is an essential factor in Cross-Border-Negotiations (e.g., Druckman, 1976). Research adopted the implicit assumption of universality in several ways: Findings in the literature show explicit associations to the universality of *Getting to Yes*, for example by Ma and Jaeger (2005) referring to *Getting to Yes* as 'a universal model of negotiation'; or Saee (2008): 'To successfully negotiate globally, Fisher and Ury (1981) advocate for a culturally synergistic approach, based on principled negotiation method, which could lead to fruitful cross-cultural negotiations'; or Yao *et al.* (2021) referring to the book as 'Practice in real-world negotiations'. Other authors adopted the implicit assumption of universality (e.g., Ramsbotham and Schiff, 2018; Al-Habib *et al.,* 2016; Carrell, 2016) or conceptually referred to *Getting to Yes* without reflection to the appropriateness of its use in a distinct cultural context (e.g., Yi, 2009; Gray *et al.,* 2011; Crump and Moon, 2017). Furthermore, management-practice-oriented business magazines also reflected the implicitly assumed universality (e.g., Sebenius, 2021; McClimon, 2021; Moules, 2021).

Even so, in research, there is a growing body of evidence indicating that culture plays a significant role in negotiations (e.g., Docherty, 2004; Thompson and Leonardelli, 2004; Brett, 2007). These findings suggest that individuals see negotiations and disputes through culturally shaped lenses that result in different behavior (Salacuse, 1999; Saunders, 1982), which harbors the risk of cultural clashes (King and Segain, 2007). Despite this evidence, as recently as 2013, the authors of *Getting to Yes* were still convinced of the universal applicability of their concept: 'Every foreign edition of the book sold has convinced us of its general applicability and the transferability of our suggestions into very different cultures' (Fisher *et al*., 2013, p. 13).

Ignoring cross-cultural differences does not meet the challenges of the twenty-first century as Cross-Cultural-Negotiations is fundamental for companies engaged in international business activities (Gulbro and Herbig, 1994). Continuous growth in the world's merchandise trade volume further underlines the importance of Cross-Cultural-Negotiations. Especially with the change in the global economy – with the continuous rise of China – Cross-Cultural-Negotiations will face different challenges in the future. Therefore, it is vital to know the

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

potential and possible limitations of *Getting to Yes* in its worldwide use in order to meet these challenges. For this purpose, the following research questions are formed:

*RQ1: Is there evidence in Cross-Cultural-Negotiation research that supports or rejects universal applicability of the method or the single principles of Getting to Yes?*

*RQ2: Are there findings in the literature supporting or rejecting the plausible assumption that the method or its principles can be applied more successfully in the so-called 'western world'?*

Getting clarity concerning these fundamental questions will help practitioners, researchers, and teachers to see *Getting to Yes* through the lens of culture that allows - if necessary - adjusting, refining, or replacing existing approaches in different Cross-Cultural-Negotiation contexts.

## Literature Review

*Getting to Yes - Principled negotiations*

*Getting to Yes - Negotiating an Agreement Without Giving In* was published by Roger Fisher and William Ury in 1981. It introduced a new conceptual approach to negotiations - Principled negotiations – that was conceived as an alternative to positional bargaining to overcome difficult negotiation situations, deadlocks and provide a basis for win-win agreements. Therefore, in the book [Chapter 2 - The Method], four principles were introduced to ease negotiations and create win-win outcomes:

The first principle, *Separate the People from the Problem*, introduces an alternative way to deal with a negotiation partner. It advocates that issues, i.e., the substance that is being negotiated, should be considered separately from relationship concerns (Fisher *et al.,* 2012, p.13).

*Focus on Interests, Not Positions* aims to overcome positional bargaining. It focuses on a new conceptual idea to search behind positions for underlying interests. Finding common ground, defined as shared underlying interests - paves the road for integrative agreements (Fisher *et al.,* 2012).

*Invent Options for Mutual Gain* focuses on the concept to begin a creative process analyzing what could generate value for the other side [T.O.S.]. Additional value is created using, e.g., open communication or brainstorming techniques. The goal is to increase the proverbial pie by this approach instead of merely dividing it (Fisher *et al.,* 2012).

*Insist on Using Objective Criteria* is the fourth principle of *Getting to yes*. It focuses on the issue that the negotiating parties' proposals are often biased in which the parties ascribe more value to owned items than they are valued objectively. To avoid this, the authors advocate using objective and fair standards that allow a non-subjective evaluation (Fisher *et al.,* 2012).

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

*Reference frameworks of Cross-Cultural-Negotiation research: Hofstede and The Globe Study*
Cross-Cultural-Negotiation research mainly bases its conceptual approach on two cultural reference models. First, the Hofstede framework (Hofstede, 1980, 2001) that derived five cultural dimensions: Individuality (IND), Power Distance (PDI), Masculinity (MAS), Uncertainty Avoidance (UAV), and Long-Term-Orientation (LTO). The second is the Globe Study which was designed in the 1990's and bases part of its dimensions and methodology on Hofstede, but it has enhanced and updated its approach. The Globe Study (House *et al.,* 2004) culminated in 9 cultural dimensions: Assertiveness (G-AS), Future orientation (G-FO), Performance orientation (G-PO), Gender Egalitarianism (G-GE), In-Group Collectivism (G-G-COLL), Institutional Collectivism (G-I-COLL), Power Distance (G-PDI), Uncertainty Avoidance (G-UAV), and Humane Orientation (G-HO).

*Getting to Yes and Hall's concept of Context-Communication*
Communication as a means of sharing information is a crucial factor in applying the interests strategy for exploiting joint gains (Tinsley, 2001; Bangert and Pizarda, 1992). Fisher and Ury advise discussing preferences explicitly in order to probe for negotiation partners preferences, employing a style of communication as 'Clear two-way Communication' (Fisher *et al.,* 2012, p.23), 'Be specific' (Fisher *et al.,* 2012, p.58), 'Ask for their preferences' (Fisher *et al.,* 2012, p.77), 'Discussion of objective criteria' (Fisher *et al.,* 2012, p.84), 'Ask why?' and 'why not?' (Fisher *et al.,* 2012, p. 46), and 'Discuss each other's perceptions' Fisher *et al.,* 2012, p.27).

The authors implicitly assume that this communication style is universal and is applicable across cultures. This assumption omits evidence that differing cultural scripts also influence communication in negotiations (e.g., Aslani *et al.*, 2016). The conceptual basis for variations in communication across cultures has been laid by Hall (1976). He introduced context-communication, where two fundamentally contrasting ways distinguish how cultures communicate: Low-Context communication and High-Context communication. High-context is characterized by implicit forms of communication where individuals are involved in close relationships associating communication with a commonly shared but unspoken and implicit meaning (Hall, 1976; Ting-Toomey, 1985). It is predominantly used in collectivistic cultures as, e.g., Asian, Arabic, and Latin American countries (Hall and Hall, 1990).

Low-context is characterized as explicit and direct communication without linking context. This communication style is more prevalent in individualistic cultures than in collectivistic cultures (House *et al.*, 2004; Hofstede, 2001). U.S.-Americans, Germans, and Northern Europeans communicate low context (Hall, 1976). It is essential to realize that the communication style, as displayed in *Getting to Yes*, resembles most of Hall's (1976) interpretation of low-context communication rather than high-context (e.g., Tinsley and Brett, 2001; Adair *et al.*, 2001).

Vi

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

**Methodology**

For investigation of the applicability of the method of *Getting to Yes* and its principles in the Cross-Cultural-Context, the following approach was selected: First, to incorporate most findings in a systematic review, the two most extensive empirical cultural studies were used: Hofstede's framework (Hofstede, 1980, 2001) and The Globe Study (House *et al.*, 2004). Second, for analysis of the findings, the existing methodology of Schoen (2020) was used. In continuation, empirical Cross-Cultural-Negotiation findings were analyzed, using these frameworks as a conceptual construct of culture to aggregate and compartmentalize these findings along with the four principles of *Getting to Yes*.

Subsequently, the literature findings were semantically matched with the principles' underlying author advice. The review process was designed as advocated by Rousseau *et al.* (2008) and operationalized by the systematic approach according to the following literature: Macpherson and Jones (2010), Denyer and Tranfield (2008), Tranfield *et al.* (2003), Webster and Watson (2002), and Mulrow (1994). Furthermore, a review protocol was used to avoid possible bias during the selection and categorization process, as Tranfield *et al.* (2003) proposed.

*Approach*

The method of *Getting to Yes* was divided into its four principles to investigate the research questions. Each principle was analyzed for the authors' advice concerning its successful application. This advice was compartmentalized and added as sub-characteristics to each of the four principles. Two additions had been introduced to connect Cross-Cultural Literature findings with the existing authors' advice. The first concerned the advice 'Proceed independent of trust'(Fisher *et al.,* 2012, p.13).

The findings of Kong *et al.* (2014) and Kimmel *et al.* (1980) show that trust is an essential element in negotiations. It relates negatively to distributive behavior and positively to integrative behavior (Kong *et al.*, 2014; Kimmel *et al.*, 1980). Based on this, the finding of Gunia *et al.* (2011) has been added that puts trust in a cross-cultural context, indicating that the level of trust is a function of culture. A second addition has been made based on the assertion of Fisher *et al.* (2012) concerning the principle 'Invent Options for Mutual Gain' that it is advisable to avoid premature judgement. According to Thompson and Leonardelli (2004), time pressure is a catalyst for premature judgement. Hence, literature findings that indicate a cultural trend to use more or less time pressure have been included since it decreases or increases the likelihood of a successful application of this principle.

Moreover, the cultural predisposition towards integrative agreements, following Salacuse's (1999) definition of negotiation attitude, was added to the *Getting to Yes* matrix. The authors' advice analysis of the principles revealed that low-context communication, according to Hall (1976), is central to all four principles. Hence, the respective authors' advice concerning communication was sorted into the prerequisites section, which enables an analysis of the four principles based on their meaning concerning the negotiation process, allowing a detailed analysis to answer the research questions.

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

*Search strings*

Concerning the search strings, the existing approaches of Schoen (2020) were used, and additional search terms that encompass the context of principled negotiations were added. The search strings consist of words and synonyms of three-word groups: Principled negotiation, Negotiation, and Culture. These word groups have each been combined with the Boolean logic operator 'AND'. The search has been conducted in primary journal sources. Additionally, literature from the reference lists from experts in the field was added. Further, as Tranfield *et al.* (2003) suggest, the search was also operationalized in Google and ResearchGate.

*Selection of literature*

In total, the search produced 552 publications. For the selection of literature, a two-step approach, according to Becheikh *et al.* (2006), was applied: In the first step, only quantitative studies according to Tranfield *et al.* (2003) and Engel and Kuzel (1992) had been considered. Additionally, only research findings were included that showed links to dimensional constructs of culture of Hofstede (1980, 2001) and/ or The Globe Study (House *et al.*, 2004). The selection of literature focuses on the period from 1980 through 2017. Also, it is limited to English language literature. The selection process produced 195 publications.

*Finding's categorization*

In the second step, according to Becheikh *et al.* (2006), Tranfield *et al.* (2003), and Mulrow (1994), the findings had been compartmentalized into the *Getting to Yes* matrix: The prerequisites section consisted of – Negotiation attitude (Salacuse, 1999) and Low-Context Communication (Hall, 1976), followed by the four principles of Getting to Yes (Fisher *et al.*, 2012) in the main section, and finally the outcomes of Cross-Cultural-Negotiation experiments. The compartmentalization process had been operationalized, investigating and selecting semantically similar or identical findings with the principles' underlying author advice. The final acceptance criteria for inclusion into the study were findings that resulted in a supported hypothesis or an element of a partially supported hypothesis with a significance level of $p < 0.05$. As a result of the search process, 97 findings of 49 publications were identified from 1992 until 2016.

*Definitions*

In this review, several ambiguous findings and research gaps have been identified. For a consistent identification during this review, the thresholds for contradictory findings and research gaps have been defined as follows in the review protocol.

(1) Ambiguity of findings: It exists if findings of cultural dimensions in one compartment of the Getting to Yes matrix show an equal amount of high and low-value findings of one cultural dimension (e.g., High-IND and Low-IND) or a maximum difference of +/- two findings.

(2) Research gap: Defined as a compartment of the *Getting to Yes* matrix that shows less than two findings.

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

Universal application (Method): A universal applicability of the method is given if all compartments show a diversity of cultural dimensions in the column (+) with little or no findings in the column (-).

Universal application (Principle): A universal applicability of a principle may be assumed if the respective compartment in a row of the Getting to Yes matrix is populated with a diversity of dimensions on the (+) side and with few or no cultural dimensions on the (-) side. Based on the omnipresence of Hofstede's IND dimension in the research field, universal applicability may also be assumed with the existence of a similar number of High- and Low-IND dimensions in a compartment of the (+) side.

### Findings

*Overview of findings*

The most important findings of each area of the *Getting to Yes* matrix are presented in continuation. A complete overview of the findings is presented in Table One and detailed tables in the following paragraphs.

**Table One** – Overview of findings [*Getting to yes* – Matrix]

| Negotiation attitude[a] | Distributive (-) | Integrative (+) |
|---|---|---|
| | Ambiguity of findings | High-IND |
| **Context Communication[b]** | **High-Context (-)** | **Low-Context (+)** |
| | Low-IND | High-IND |
| **Principles of 'Getting to yes'** | **Likelihood of successful application: Lower (-)** | **Likelihood of successful application: Higher (+)** |
| Separate the people from the problem | Low-IND | High-IND |
| Focus on Interests, Not Positions | Research gap | Research gap |
| Invent Options for mutual gain | High-IND | Low-IND |
| Insist on using objective criteria | Ambiguity of findings | Research gap |
| **Nature of outcomes & Joint gains** | **Distributive/ Lower (-)** | **Integrative/ Higher (+)** |
| | Ambiguity of findings | Low-IND |

[a] Negotiation attitude as win/ win vs. Win/ Lose orientation according to Salacuse (1999)
[b] Context Communication according to Hall (1976)

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

*Negotiation attitude*

Concerning a cultural predisposition towards a certain negotiation attitude, as defined by Salacuse (1999), the findings in the Cross-Cultural-Negotiation literature show a mixed image. The literature was analyzed for findings that match the characteristics of negotiation strategies, tactics, and behavior. 26 findings could be compartmentalized to negotiation attitude. Associated with distributive behavior (-) 19 findings were identified, containing 12 findings linked to the IND dimension. A distributive orientation was found to be associated with High-IND cultures - Seven findings -, and Low-IND cultures - Five Findings. Based on the definition in the research protocol, this situation classifies as being ambiguous.

**Table Two** - Findings of prerequisites for integrative agreements: *Negotiation attitude*

| Cultural Dimension | Findings indicating a distributive negotiation orientation (-) | Cultural Dimension | Findings indicating an integrative negotiation orientation (+) |
|---|---|---|---|
| High-G-AS | Metcalf *et al.*, 2007 | High-G-HO | Lügger *et al.*, 2014 |
| High-IND | Liu, 2011 | High-IND | Oetzel and Ting-Toomey, 2003 |
| High-IND | Graf *et al.*, 2010 | High-IND | Baber and Ojala, 2015 |
| High-IND | Gelfand and Christakopoulou, 1999 | High-IND | Liu, 2011 |
| High-IND | Volkema, 2004 | High-IND | Liu, 2011 |
| High-IND | Lin and Miller, 2003 | High-IND | Liu, 2011 |
| High-IND | Liu, 2011 | Low-IND | Snir, 2014 |
| High-IND | Gelfand and Christakopoulou, 1999 | | |
| High-MAS | Volkema, 2004 | | |
| High-MAS | Metcalf *et al.*, 2007 | | |
| High-PDI | Brett and Okumura, 1998 | | |
| Low-G-AS | Lügger *et al.*, 2014 | | |
| Low-IND | Aslani *et al.*, 2016 | | |
| Low-IND | Elahee *et al.*, 2002 | | |
| Low-IND | Pickle and Thanh Van, 2009 | | |
| Low-IND | Brett *et al.*, 1998 | | |
| Low-IND | Ma, 2010 | | |
| Low-PDI | Volkema, 2004 | | |
| Low-UAV | Volkema, 2004 | | |

[a] Negotiation attitude as win/ win vs. Win/ Lose orientation according to Salacuse (1999)

Concerning the findings associated with integrative behavior (+), a clearer situation exists. Seven dimensional findings could be associated with this compartment, of which five findings point to High-IND and one finding to Low-IND. Hence, the findings indicate that integrative orientation is more prevalent in High-IND cultures.

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

*Low-Context Communication*

The findings in this area show a clear picture of the situation: 12 findings in the literature could be compartmentalized to communication styles. To Low-context communication, nine findings were identified, of which eight findings are associated with High-IND cultures with Low-Context Communication. At the same time, three findings show that Low-IND cultures communicate High-Context in negotiations. These results indicate that High-IND cultures communicate in low-context, which increases the likelihood of a successful application of the four principles of *Getting to Yes*. Low-IND cultures, on the other hand, communicate High-Context that decreases the likelihood of its successful application. These findings are consistent with Hofstede (2001) and The Globe Study (House *et al.*, 2004).

**Table Three** - Findings of prerequisites for integrative agreements: *Communication Style*[c]

| Cultural Dimension | High-Context Communication (-) | Cultural Dimension | Low-Context Communication (+) |
|---|---|---|---|
| Low-IND | Adair *et al.*, 2001 | High-IND | Aslani *et al.*, 2016 |
| Low-IND | Adair, 1999 | High-IND | Brett *et al.*, 1998 |
| Low-IND | Adair *et al.*, 2004 | High-IND | Brett and Okumura, 1998 |
| | | Low-IND | Graf *et al.*, 2010 |
| | | High-IND | Adair, 1999 |
| | | High-IND | Adair *et al.*, 2001 |
| | | High-IND | Adair *et al.*, 2004 |
| | | High-IND | Tinsley and Brett, 2001 |
| | | High-IND | Adler *et al.*, 1992 |

[c] Context Communication according to Hall (1976)

*Separate the People from the Problem*

Cross-Cultural-Negotiation research shows 16 findings that could be associated with the authors' advice. Six findings were sorted in the higher likelihood of a successful application compartment (+), of which four indicate High-IND orientation versus one of Low-IND. For the lower likelihood of a successful application compartment (-), the situation is as follows: 10 dimensional findings were linked with the respective characteristics containing eight findings that show a Low-IND cultural orientation and two High-IND. Both findings show the global dichotomy of the authors' advice along Hofstede's IND dimension resulting in a higher likelihood of a successful application (+) of this principle in High-IND cultures and a lower likelihood (-) in Low-IND cultures.

A detailed analysis of the single author advice shows the following: 'Be soft to the people and hard on the problem' (Fisher *et al.*, 2012, p.13), and deal with people problems directly, but separate them from substantive concessions making (Fisher *et al.*, 2012) is, e.g., problematic in China - a Low-IND culture - where concession making is linked with relationship concerns (Lee *et al.*, 2013; Lee, 2005). Concerning this advice in Cross-Cultural-Negotiations, it might be especially problematic that High-IND cultures avoid concessions

Getting to Yes in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

(Hendon, 2007). In contrast, Low-IND cultures, such as most Asian countries, prefer small concessions to nurture relationships (Hendon, 2007). Giving few or no concessions in this context may undermine the relationship-building process, which is vital in Asia to achieve integrative agreements (e.g., Tse *et al.*, 1994; Baber and Ojola, 2015).

Another vital element in this context is trust. Research assumes near-universal importance of trust (Gunia *et al.*, 2014), as the exchange of information in negotiation depends on interpersonal trust (Bangert and Pizarda, 1992). A meta-analysis shows that trust is positively related to integrative behavior and joint gains, whereas lack of trust inhibits communication and, hence leads to distributive negotiation behavior that includes sharing less information, which increases the likelihood of lower joint gains or even the break-off of negotiations (Lopez-Fresno, 2018; Kong *et al.,* 2014; Kimmel *et al.,* 1980). The author's advice, 'Unless you have good reason to trust somebody, don't […] proceed independently of trust (Fisher *et al.*, 2012, p.134) ignores not only these findings but also may have different effects in the cross-cultural negotiation arena. The findings of Chua *et al.* (2009) suggest that there seem to be two different roads to how trust is established in different cultures: Cognitive trust, where trust is based on competence, and affect-based trust, where trust is based on shared experiences and private interests.

Interestingly there is a distinction between the application of cognitive-based trust and affect-based trust: For the US, a High-IND culture, cognitive trust, and affect-based trust are separated. Whereas in China, a Low-IND culture, cognitive trust, and affect-based trust are connected (Chua *et al.*, 2009). These findings indicate that one cannot separate the people from the problem in China and possibly other Low-IND cultures. Hence, a universal application of this principle is not given.

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

**Table Four** - The four principles of *Getting to yes* and collected literature evidence: *Separate the people from the problem*

| Separate the people from the problem | Cultural Dimension | Successful application less likely (-) | References | Cultural Dimension | Successful application more likely (+) | References |
|---|---|---|---|---|---|---|
| *Be soft on people - hard on problem* | Low-IND | Concession making linked with relationships | Lee *et al.,* 2013 | | | |
| | Low-IND | Concession making linked with relationships | Lee, 2005 | | | |
| *Deal with problems directly, don't use concessions* | Low-IND | Higher likelihood of favoring concessions in small doses | Hendon, 2007 | High-IND | Higher likelihood of avoidance of concessions in small doses | Hendon, 2007 |
| *Proceed independent of trust* | Low-IND | Trust the other side less | Gunia *et al.*, 2011 | High-IND | Trust the other side more | Gunia *et al.*, 2011 |
| *Time for developing a relationship* | | | | Low - IND | More time spent on rapport | Vieregge and Quick, 2011 |
| *Forward-looking* | | | | High-LTO | Long-term orientation of negotiation goals | Cai, 1998 |
| *Turn a stranger into someone you know* | Low-IND | Greater preference for placing more trust in a negotiator from their own country than from a foreign country | Elahee *et al*., 2002 | High-IND | Higher likelihood of expectation of interest compatibility in negotiations with out-group members | Liu *et al.*, 2012 |
| | | | | High-IND | Higher comfort negotiating with a stranger | Ready and Tessema, 2009 |
| *Make emotions explicit* | Low-IND | Lower likelihood of acceptance of a proposal from a negotiator displaying negative emotion | Kopelman and Rosette, 2008 | | | |
| | Low-IND | Higher level of emotions of agitation in unsuccessful business negotiations | Luomala *et al.,* 2015 | | | |
| | High-IND | Higher level of emotional volatility in unsuccessful business negotiations | Luomala *et al.,* 2015 | | | |
| | Low-IND | Show of greater emotions | Triandis et al., 2001 | | | |
| | High-IND | Higher display of negative emotion | Semnani-Azad and Adair, 2011 | | | |

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

*Focus on Interest, Not Positions*

Findings associated with this principle and its author's advice are scarce and classified as a knowledge research gap. The few findings concentrate on the advice of 'avoiding a bottom line' in negotiations (Fisher *et al.*, 2012, p.13). Instead of having a bottom line in positional negotiations, the authors introduce the concept of the BATNA as the - best alternative to a negotiated agreement (Fisher *et al.*, 2012). Ready and Tessema (2009) found that Low-IND cultures seem to show a prevalence for determining a bottom line before negotiations, which complicates a successful application of the concept of BATNA in this cultural environment.

In addition, concerning the author's advice to 'explore interests' (Fisher *et al.*, 2012, p.13), it was found that the process of exploring interests is more immanent in High-IND cultures and therefore shows an increased likelihood to apply this principle in these cultures successfully (Tinsley, 2001). There might be an inherent western view behind the advice of exploring interests, as Fisher and Ury only refer to individual interests rather than collective approaches (Tinsley and Brett, 2001).

**Table Five** - The four principles of *Getting to yes* and collected literature evidence: *Focus on interests, Not positions*

| Focus on interests, Not positions | Cultural Dimension | Successful application less likely (-) | References | Cultural Dimension | Successful application more likely (+) | References |
|---|---|---|---|---|---|---|
| *Explore interests* | | | | High-IND | Higher use of interest strategy | Tinsley, 2001 |
| *Avoid having a bottom line* | Low-IND | Determination of bottom-line prior negotiations | Ready and Tessema, 2009 | | | |

*Invent Options for Mutual Gain*

The findings in this review concerning this principle are abundant as 25 findings could be attributed to it. 11 findings are linked with the authors' advice that indicates a lower likelihood of a successful application (-) of this principle, of which High-IND shows six findings in this regard versus one Low-IND finding. To a higher likelihood of a successful application (+) of this principle, 14 findings are linked, of which 11 point to Hofstede's IND dimension that allows an aggregated evaluation. Seven findings are linked to Low-IND cultures, whereas four findings are linked to High-IND cultures. This is surprising, which signifies that the principle 'Invent Options for Mutual Gain' promises more success in a Low-IND and less in a High-IND environment.

Further analysis of the author's advice pertaining to this principle reveals another surprising development. One central advice of this principle is joint problem-solving (Fisher *et al.*, 2012, p.65). In the *Getting to Yes* matrix, within the higher likelihood of a successful application column (+), the findings concerning this advice are abundant. Four findings link this advice to Low-IND cultures (Mintu-Wimsat and Madjourova-Davri, 2011; Graham *et al.*, 1994; Adler *et al.*, 1992), and three to High-IND cultures (Lin and Miller, 2003; Tinsley and Pillutla, 1998; Graham *et al.*, 1994). Aggregated, these findings of High- and Low-IND cultures

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

indicate, on the one hand, ambiguity. On the other hand, it could also be interpreted that problem solving approaches are nearly universal since they can be successfully applied in High and Low-IND cultures. Especially, since no findings were associated with the IND dimension on the lower likelihood of a successful application column (-), the meaning of this finding is reinforced. Concerning the assumed universality of *Getting to Yes*, this is the only advice where research findings support this assumption.

Also, the authors advocate avoiding the fixed pie error, defined as the bias in negotiations that the proverbial pie can only be divided where one-party gains what the other loses (Fisher *et al.,* 2012). Research findings concerning this phenomenon are scarce and ambiguous: Two findings indicate that High-IND cultures are associated with a higher fixed-pie perception (Drake, 2001; Gelfand and Christakopoulou, 1999). In contrast, Liu *et al.* (2012) found a higher fixed-pie perception in Low-IND cultures; however, only with out-group members. This finding further supports the body of evidence that establishing a relationship with Low-IND cultures to turn the perception of T.O.S. from an out-group member to an in-group member is necessary for creating options for mutual gain.

Another authors' advice within this principle is 'establishing accordance with legitimacy to the views of T.O.S.' (Fisher *et al.,* 2012). Gelfand and Christakopoulou (1999) found that High-IND cultures lack attentiveness to concerns of the T.O.S. to a higher degree compared to Low-IND cultures, which inhibits the perception of the needs of T.O.S. and hence the creation of joint gains.

This is complemented by another finding: High-IND cultures show a higher likelihood of a negotiation style that reflects great concern for self, whereas Low-IND cultures show more concern for the needs of T.O.S. (Gelfand and Christakopoulou, 1999; Pearson and Stephan, 1998). Moreover, the authors recommend 'avoiding premature judgments' (Fisher *et al.*, 2012, p.59). One catalyst, however, for premature judgment is time pressure (Thompson and Leonardelli, 2004). Research findings show that High-IND cultures are associated with a higher likelihood of using time pressure (Saorín-Iborra and Cubillo, 2016), decreasing the likelihood of creating options. In total, the aggregated evidence concerning this principle underscores the surprising finding that the successful application of the authors' advice is less likely in High-IND cultures and more likely in Low-IND cultures.

**Table Six** -  The four principles of *Getting to yes* and collected literature evidence: *Invent options for mutual gain*

| Invent options for mutual gain | Cultural Dimension | Successful application less likely (-) | References | Cultural Dimension | Successful application more likely (+) | References |
|---|---|---|---|---|---|---|
| *Develop multiple options* | | | | High-IND | Higher prevalence of synthesizing multiple interests | Tinsley and Brett, 2001 |
| *Obstacle for creation of options: Fixed-pie error* | High-IND | Higher fixed pie error: Gain knowledge about the other priorities | Gelfand and Christakopoulou, 1999 | | | |
| | Low-IND | More fixed pie perceptions in negotiations with out-group members under high accountability | Liu *et al.,* 2012 | | | |
| | High-IND | Fixed Sum error | Drake, 2001 | | | |
| *Accord legitimacy to the views of T.O.S./ Avoid shortsighted self-concern* | High-IND | Lack of attentiveness to concerns of the T.O.S. | Gelfand and Christakopoulou, 1999 | Low-IND | Higher likelihood of preference styles of negotiation reflecting a high concern for others | Pearson and Stephan, 1998 |
| | High-IND | Higher likelihood of preference styles of negotiation reflecting a high concern for self | Pearson and Stephan, 1998 | Low-IND | Attend more to the others interests and needs | Gelfand and Christakopoulou, 1999 |
| | High-IND | View of self-oriented behaviors as more appropriate | Tinsley and Pillutla, 1998 | Low-IND | View of equality-oriented behaviors as more appropriate | Tinsley and Pillutla, 1998 |
| *Joint problem solving* | High-LTO | Problem solving approach doesn't lead to profits | Graham and Mintu-Wimsat, 1997 | High-IND | Higher use of problem-solving approach | Lin and Miller, 2003 |
| | | | | High-IND | Higher negotiators' individual profits when problem solving approach is used | Graham *et al.*, 1994 |
| | | | | Low-IND | Higher positive effect on cooperative problem-solving behaviors | Mintu-Wimsat and Madjourova-Davri, 2011 |
| | | | | Low-IND | Greater use of cooperative problem solving | Mintu-Wimsat and Madjourova-Davri, 2011 |
| | | | | Low-IND | Higher use of problem-solving approach | Graham *et al.,* 1994 |
| | | | | High-IND | View of joint problem solving as more appropriate | Tinsley and Pillutla, 1998 |
| | | | | Low-IND | Negotiators problem solving approach leads to partners problem solving approach | Adler *et al*., 1992 |
| | | | | High-LTO | Higher tendency towards a problem solving approach | Graham and Mintu-Wimsat, 1997 |
| | | | | High-LTO | Higher tendency towards a problem solving approach | Graham *et al.,* 1994 |
| | | | | High-PDI | Higher tendency towards a problem solving approach | Graham *et al.,* 1994 |
| *Avoid premature judgment - Time pressure* | High-IND | Higher likelihood of use of time pressure | Saorín-Iborra and Cubillo, 2016 | | | |
| | Low-G-G-COLL | Greater use of time pressure | Saorín-Iborra and Cubillo, 2016 | | | |
| | High-LTO | View of time as more condensed | Salmon *et al.,* 2016 | | | |
| | High-UAV | Greater use of time pressure | Saorín-Iborra and Cubillo, 2016 | | | |

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

*Insist on Using Objective Criteria*

Findings in Cross-Cultural-Negotiation research concerning the acceptance of objective criteria in negotiations are scant. For this principle in total, five findings could be compartmentalized, of which four findings reside in the lower likelihood of a successful application compartment (-).

An undermining factor of fairness is self-serving bias (Gelfand and Christakopoulou 1999). Two findings in research show the association to High-IND cultures with self-serving bias, which is the perception that 'I am fair' and 'T.O.S. is unfair' (Gelfand and Christakopoulou, 1999). These findings undermine the ability or willingness to search for an acceptable and fair standard for both sides, which reduces the successful application of this principle. Another finding in this compartment fits with the authors' advice of persuasion by reason: 'Reason and be open to reason' (Fisher *et al.*, 2012, p.90). However, Ghauri (2003) argues that there are different styles of persuasion across cultures.

The findings in Cross-Cultural-Negotiation research support the claim that this advice by the authors is a product of a western orientated tradition of thinking. As Aslani *et al.* (2016) show, Low-IND cultures have a higher tendency to use influence in negotiation compared to reason. Influence is understood above all as emotional expression (Brett and Crotty, 2008) and emotional appeals (Brett and Gelfand, 2006). Further, Drake (1995) found that the Taiwanese - a Low-IND culture – show a predominantly normative negotiating style. A normative negotiation style is understood as perceiving the facts according to personal values and appealing to emotions to reach a 'fair' deal (Harris and Moran, 1991).

On the other hand, an analytic and factual inductive negotiating style is ascribed to negotiators in the U.S. (Drake, 1995) – a High-IND culture where the negotiators use logical analysis and empirical facts that lead to universally accepted conclusions (Harris and Moran, 1991). This finding additionally confirms that *Getting to Yes* is a product of a western conception. In summary, the overall situation within this compartment is ambiguous and had to be classified as such. The higher likelihood of a successful application column (+) only shows one finding that classifies this compartment as a research gap where further research is indicated.

**Table Seven** - The four principles of *Getting to yes* and collected literature evidence: *Insist on using objective criteria*

| Insist on using objective criteria | Cultural Dimension | Successful application less likely (-) | References | Cultural Dimension | Successful application more likely (+) | References |
|---|---|---|---|---|---|---|
| *Fair standards* | High-IND | Self-serving bias (i.e., perception of "I" fair and "they" unfair) | Gelfand *et al.,* 2002 | | | |
| | High-IND | Projection of self-serving bias to a third party (i.e., "I" fair and "they" unfair) | Gelfand *et al.,* 2002 | | | |
| *Reason and be open to reason* | Low-IND | Higher tendency of using influence in negotiation | Aslani *et al.,* 2016 | | | |
| | Low-IND | Normative style of negotiation | Drake, 1995 | High-IND | Analytical and Factual Style of negotiation | Drake, 1995 |

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

*The Nature of Agreements and Joint gains*

In total, 11 research findings were found in the literature concerning this topic. Three findings were sorted into the distributive agreements and lower joint gains compartment (-) and eight into the integrative agreements and higher joint gains compartment (+). When synthesizing these findings on the (+) compartment, most findings show that Low-IND cultures achieved higher joint gains and more integrative outcomes. In contrast, only two findings show higher joint gains and more integrative outcomes in High-IND cultures. The compartment of distributive outcomes and lower joint gains (-) shows ambiguity with two High-IND findings versus one Low-IND. In summary, these findings are surprising, as Low-IND cultures seem to be more successful in negotiating integrative outcomes and higher joint gains compared to High-IND cultures. This finding, combined with the negotiation attitude, offers another surprising insight that will be addressed in the discussion chapter.

**Table Eight** - *Nature of outcome & Joint gains[d]*

| Cultural Dimension | Distributive Outcomes/ Lower Joint Gains (-) | Cultural Dimension | Integrative Outcome/ Higher Joint Gains (+) |
|---|---|---|---|
| High-IND | Lituchy, 1997 | High-IND | Natlandsmeyer and Rognes, 1995 |
| High-IND | Semnani-Azad and Adair, 2011 | High-IND | Tinsley and Brett, 2001 |
| Low-IND | Rosette *et al.,* 2011 | Low-IND | Arunachalam *et al.,* 1998 |
| | | Low-IND | Arunachalam *et al.,* 2001 |
| | | Low-IND | Potter and Balthazard, 2000 |
| | | Low-IND | Cai *et al.,* 2000 |
| | | Low-IND | Gelfand *et al.,* 2002 |
| | | Low-IND | Lituchy, 1997 |

[d] Outcomes of Cross-Cultural-Negotiation experiments from 1992 - 2016

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

## Discussion

*Methodological Limitations*

The nature of this review yields several methodological limitations. It aims to create comparability of findings of Cross-Cultural-Negotiation research. Therefore, findings were compartmentalized, aggregated, and analyzed that link to dimensional constructs of culture from the most prominent quantitative studies in Cross-Cultural-Management: Hofstede's framework (Hofstede, 1980, 2001) and The Globe Study (House *et al.,* 2004). Using this focal point, other cultural studies were omitted. Hence, this review does not represent the entire picture of the research landscape but findings that point to these two frameworks, which display a relatively large portion of it. Another limitation is the unclear definition of culture. Since the findings of Cross-Cultural-Negotiation research use Hofstede and The Globe Study as a conceptual construct, their definition of culture inherently finds application in this review.

Both studies, as well as most publications in Cross-Cultural-Negotiation research, understand culture mainly as 'national culture' ignoring that other 'cultures' do also exist, such as e.g. organizational, regional, departmental, educational, and professional cultures. Since the influence of these cultural variables on individuals in negotiations is plausible, their frequent omission of research poses a limitation concerning the transferability into practice. The same applies to cultural dynamics, i.e., the evolution of culture over time. This review's findings and results should be considered a snapshot of culture on a time scale only. Research conducted in a different time frame may result in different findings. Another limitation is given by the fact that culture is often conceptualized as a bipolar continuum. The narrowing focus of negotiation research mainly on Hofstede's IND dimension practically reduces the notion of 'culture' to only one conceptual construct in this review. Culture, however, consists of more facets that one bipolar construct could display.

When findings are also presented as High-IND or Low-IND orientation based on publications that collected data from two cultures only – one individualistic and one collectivistic – findings are potentially generalized when applied to other cultures along the same bi-polar continuum. Additionally, there are contextual factors that research often misses to address, limiting the comparability of the results shown.

Another factor is the personality of a negotiator. The control of this variable is also absent in most Cross-Cultural-Negotiation studies. A further limitation may be given by the nature of a single author review that compartmentalizes and operationalizes the semantic fit of the literature findings with the author's advice. Therefore, the process had been meticulously operationalized, according to the research protocol, and double-checked. Another limitation in this context is the classification of research gaps and ambiguous results obtained by this review. The classification is based on the definitions made in the research protocol that used threshold values defined at the author's discretion. However, to accommodate this effect, the applicable criteria and threshold values had been defined prior to the process of data analysis and applied consistently in this review.

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

*Discussion of findings and avenues for future research*

This review produced findings that may change the way how *Getting to Yes* is perceived in the Cross-Cultural-Context. Concerning RQ1 – investigating the assumed universal applicability - the collected data was analyzed on two levels. First, on the method level: Based on the findings in Cross-Cultural-Negotiation literature, universal applicability for the method is not supported. Second, on principle level: On this level, together with low-context communication and the negotiation attitude, the findings do not support universal applicability either. When investigating the *Getting to Yes* matrix on the single author advice level, there is one advice within the principle 'Invent Options for Mutual Gain' where near-universal applicability may be assumed: Joint problem solving. However, the principle 'Invent Options for Mutual Gain' that contains this advice also comprises further authors' advice with connected findings that outweigh this effect. Summarized, the findings concerning RQ1 only allow 'Refutation of the universal applicability' as an answer on the method and the principle level. These findings have important implications for practice and teaching, as 'one size doesn't fit all'. The data shows that it is not recommendable to use the method as a whole in a cross-cultural context. A more differentiated approach is needed. On the principle level, the situation is identical: Applied universally without any regard to the target culture decreases the likelihood of a successful application and may result in distributive agreements, lower joint gains, or the break-off of negotiations.

RQ2 builds on the findings of RQ1. It analyzed findings that support or refute the plausible assumption that the method of *Getting to Yes* or its principles can be applied more successfully in the so-called 'western world'. This research question originates from assumptions in research that *Getting to Yes* is a product of a western conception of negotiation (e.g., Gelfand *et al.*, 2015) and hence may be more successfully applied in western cultures. Therefore, its applicability on a method and principle level was investigated. The body of evidence gathered in this review is two-fold: On the method level, this assumption can be rejected. There are contrary findings, ambiguous findings, and research gaps that inhibit an affirmative answer for the method as a whole. On a principle level, however, there exists a more differentiated situation. The analysis of the aggregated findings shows a dichotomy along Hofstede's IND dimension [High vs. Low] in the following compartments of the *Getting to Yes* matrix: Integrative negotiation attitude (+): High-IND, Low-Context-Communication (+): High-IND, High-Context-Communication (-): Low-IND, the principle 'Separate the People from the Problem' (+): High-IND, 'Separate the People from the Problem' (-): Low-IND, 'Invent Options for Mutual Gain' (+): Low-IND, and 'Invent Options for Mutual Gain' (-): High-IND.

Regarding the single compartments, the situation is as follows: Concerning integrative negotiation attitude, a majority of findings indicate that High-IND cultures predominantly show an integrative mindset. A similar situation exists for low-context communication that is mainly found in High-IND cultures. Hence, the prerequisites for a successful application are given in High-IND cultures - the so-called western world - only. A similar situation exists for the principle 'Separate the People from the Problem' that supports a successful application for High-IND cultures but refutes it for Low-IND cultures. Concerning the principle 'Invent

19

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

Options for Mutual Gain', the data indicate the opposite: A successful application is supported for Low-IND cultures and refuted for High-IND cultures. This is a surprising finding since the authors of *Getting to Yes* seem to have developed an idealistic principle that does not meet the reality in negotiations in countries that show a High-IND orientation, as, for example, the U.S. culture. Analyzing the single author's advice underscores these findings: High-IND cultures show a higher propensity for the fixed pie error, that is, the perceptional orientation towards claiming value. The same applies to the lack of attentiveness of concerns of the other side and more self-oriented behavior that results in a difficulty to discover the priorities of the other side as a base for the development of creative solutions.

In addition, the inhibiting factor of higher premature judgments is shown by one of its catalysts, according to Thompson and Leonardelli (2004), that is also ascribed to High-IND cultures: Time pressure (Saorín-Iborra and Cubillo, 2016). For the other principles, no conclusive statement concerning this research question can be made because of ambiguity in the findings and research gaps. Due to the strong orientation of negotiation research towards one of Hofstede's dimensions – IND – the possible limits of its unilateral use are shown (Schoen, 2020). In summary, the findings only indicate promising applicability in the western world with the principle 'Separate the people from the problem" and indicate the contrary with the principle 'Invent options for mutual gain'.

Moreover, the findings in the literature revealed ambiguous findings and research gaps that open the door for future research. Given the success of *Getting to Yes* and its importance in research publications worldwide, one would assume that there are relatively few inconsistencies, ambiguities, and gaps in the research landscape concerning its Cross-Cultural-Applicability. However, the opposite is the case. Findings in Cross-Cultural-Negotiation literature show several areas of ambiguity, inconsistencies, and voids in research, leading to avenues for future research. In three areas, ambiguous findings are shown: In the compartment of distributive negotiation attitude (-), most findings point to High-IND and nearly the same number of findings in Low-IND cultures. Assuming that a balanced mix of cultural dimensions in one area indicates universality, the situation in this area in the *Getting to Yes* matrix – viewed independently - may be interpreted as a universal orientation towards a distributive negotiation attitude. It is also remarkable that in the compartment of integrative negotiation attitude (+), a similar amount of findings indicate High-IND orientation. Seen holistically, both elements in the area of negotiation attitude indicate, first of all, inconsistency. Another interpretation of the data could be that cultures seem to universally achieve more distributive outcomes and lower joint gains due to a distributive orientation in an intercultural context, compared to an intracultural context (e.g., Liu *et al.*, 2012). For both areas, future research may resolve this aspect to provide more clarity.

Another area of ambiguity is based on the principle 'Insist on Using Objective Criteria'. Findings indicate an inconclusive state of research showing a lower likelihood of the successful application (-) compartment of this principle for High-IND and Low-IND cultures that poses another starting point for future research. Another area with potential for future research is the principle 'Focus on Interests, Not Positions'. Within this principle exists also a lack of research

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

findings. In summary, there is ample space for the dedication of future research in the *Getting to Yes* matrix to address the manifested ambiguities and research gaps.

Moreover, the findings show a relationship between culture, negotiation behavior, and negotiation outcomes. As shown in Table Two, High-IND cultures display a propensity towards integrative behavior. This finding is not surprising, considering that *Getting to Yes* is a product of the western world, and most cultures that show High-IND scores can be ascribed to the 'western world'. One would accordingly expect that this orientation translates into more integrative outcomes and higher joint gains. However, this is not the case. The findings show that Low-IND cultures seem to achieve more integrative outcomes and higher joint gains compared to High-IND cultures. This is surprising. The plausible assumption that High-IND cultures show more integrative behavior and inevitably achieve more integrative outcomes and higher joint gains does not find support. An interpretation may be offered that High-IND cultures have higher integrative values and aspirations but fall short in converting them into joint gains. In other words, High-IND cultures may have cultural values that enable more integrative behavior, but in practice, these values do not translate into integrative outcomes. It is possible that Low-IND cultures achieve higher performance at the negotiation table through thus far unknown tactics and strategies that a western perspective may not have been able to discover yet. Another explanation may be that possible variables in experiments, which are not controlled, have a negative effect on High-IND cultures but not on Low-IND cultures. Future research may address this subject to provide more clarity.

*Implications for practice and teaching*

The findings of this paper provide several implications for practice and teaching. A book with this degree of distribution and importance around the globe must deliver a more thorough dedication to its impacts in Cross-Cultural-Negotiations. It is plausible to assume that many practitioners will negotiate across cultures in their business life. Hence, practical approaches and teaching should reflect the limitations of *Getting to Yes* and its principles, as shown in this review.

For practitioners, the findings of this review mean, first of all, additional complexity, as 'one size doesn't fit all'. The reality of Cross-Cultural-Negotiations is far more complex than how it is addressed by the unilateral approach as outlined in *Getting to Yes*. As the method is based on non-realistic premises for universal use, practitioners must safeguard against possible downsides when using the method on the global stage. Used unreflectively, lower joint gains or the possible break-off of negotiations may be the consequence. On the principle level, the data collected in this review show that a part of the method of *Getting to Yes* can only be applied successfully in High-IND cultures. Within these cultures an integrative negotiation attitude exists, a cultural trend towards low-context communication, and a higher likelihood of successfully applying the principle 'Separate the People from the Problem'. For the remaining principles 'Focus on Interests, Not positions' and 'Insist on using objective criteria', no support for a successful application was found. For 'Invent options for mutual gain' the successful application in High-IND cultures was refuted, showing support for a successful application in

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

Low-IND cultures. Thus, in negotiations with Low-IND cultures, practitioners from High-IND cultures need to be cautious when applying the method as a whole and applying the principles only selectively, as shown in this review.

Concerning teaching of principled negotiations, there are also significant implications. University Lecturers and Executive Trainers need to be aware that teaching the method conventionally without considering the Cross-Cultural perspective does not meet the state-of-the-art of research about the limits of *Getting to Yes* across cultures. As the data shows, High-IND cultures represent the negotiation attitude and the appropriate communication style that shows the potential for successfully applying the principles of *Getting to Yes*. In addition, only one of the four principles can be used with a high likelihood of success in High-IND cultures, such as the U.S. For the principle 'Invent Options for Mutual Gain', the data show that this principle seems to promise a lower likelihood of a successful application in High-IND cultures compared to Low-IND cultures. Since many negotiations take place in an international environment, negotiation trainers and lecturers need to incorporate the Cross-Cultural-Perspective into teaching the method.

As this review shows, there is no support for the assertion that the method can be applied universally. Therefore, a suitable teaching approach, as 'it depends on which principle is used and which border is crossed' is needed. It is essential to transfer this knowledge to students, executives, and policymakers to recognize the limits when seeking negotiations on the global stage. Furthermore, it is vital to develop an approach in teaching to deal with these limits: First, to show which principles promise successful application in specific cultures, and secondly, to develop new or alternative approaches in cultures where a successful application is refuted. Given the impact of this book, additional effort is well invested time.

*Getting to Yes* in the cross-cultural-context: 'One size doesn't fit all' –
A critical review of principled negotiations across borders

Journal Publication

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A critical review of principled negotiations across borders

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