

# Negotiations in At-Risk Communities and Negotiating for Social Justice: A Review of *Transformative Negotiation*

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## Abstract

This is a review of Sarah Federman's new book, *Transformative Negotiation: Strategies for Everyday Change and Equitable Futures*. The book fills a glaring gap in the negotiation literature by considering the perspective of those in at-risk communities. Pulling from her experience teaching negotiation to at-risk students in Baltimore, Federman addresses blind spots that are overlooked in traditional negotiation texts. This provides a more complete understanding of the diverse applications of negotiation principles. This review praises the book's insight into overlooked applications of negotiation principles and how they can be used to obtain social justice outcomes. This review also provides a critical analysis of the potential danger of inadvertently promoting harmful stereotypes when addressing issues of gender and race.

This is a review of Sarah Federman's new book, *Transformative Negotiation: Strategies for Everyday Change and Equitable Futures*. The book fills a glaring gap in the negotiation literature by considering the perspective of those in at-risk communities. Pulling from her experience teaching negotiation to at-risk students in Baltimore, Federman addresses blind spots that are overlooked in traditional negotiation texts. This provides a more complete understanding of the diverse applications of negotiation principles. This review praises the book's insight into overlooked applications of negotiation principles and how they can be used to obtain social justice outcomes. This review also provides a critical analysis of the potential danger of inadvertently promoting harmful stereotypes when addressing issues of gender and race.

Federman writes in a highly effective manner, namely, by recounting interactions with her at-risk Baltimore students and drawing from their unique experiences with negotiating. Examples provided by Federman include reconnecting with a birth father, convincing a loved one to quit using heroin, women negotiating with partners to use condoms, getting an insurance company to replace a stolen car, and a security guard negotiating with a homeless man who demanded that he be shot. Federman also illuminates the disadvantages people in at-risk communities must overcome. For example, Federman explains how negotiations are frequently about money, but people from at-risk communities are often not exposed to money-management skills. This puts them at a significant disadvantage in negotiations that require quick, off-the-cuff considerations of complex monetary tradeoffs. Hesitation, or a look of confusion may be interpreted negatively as a lack of confidence. Differences in social capital are also prominent, putting those who lack powerful connections at a significant disadvantage. This is particularly problematic in the United States, where there is a culture of individualism that discourages people from reaching out to those in at-risk communities to provide help.

Federman goes beyond the application of negotiation tactics and delves into how negotiations can be used to enact positive social change. For example, she poses questions such as: What good is gaining power through effective negotiation if we then use that power to oppress others in the community? And Federman provides numerous real-life examples, such as the negotiation for a hydroelectric dam project that considered the impact on the indigenous community that may be forcefully relocated.

Federman also encourages others to question the ultimate reasons for the negotiations they engage in to examine if they will truly benefit from a negotiated outcome. She explains how, just as we must separate the other side's stated position from their underlying interest in a negotiation, we should also be cognizant of separating our individual stated position from our underlying interest. Federman illustrates this by providing an example of someone negotiating for an expensive handbag, and how such a person should consider why they are trying to acquire such an item. Is it to be perceived as more successful? If so, what ultimate benefit comes from having others perceive them as being more successful? Would one gain more respect in the community by using the money to help fund an outreach program? Could the flaunting of an expensive handbag result in a potential risk to one's personal safety? Will the interests of the community be advanced by promoting the notion that the pursuit of conspicuous consumption is how to gain respect?

One potential critique of the book is that Federman at times appears to overstate her case. Instead of just applying standard negotiation principles to these unique negotiation settings—which she does very well—Federman at times implies that the standard negotiation principles are inapplicable and, therefore, an entirely new approach is needed. For example, she poses the question, “Might traditional negotiation advice, used in the wrong setting, set my students up for bad trouble?”

She later states, “Pretending that advice works for all readers can do an immense disservice, especially for the most vulnerable.”

I believe that this is a disservice to the universality of general negotiation principles. Yes, these principles must be customized to the setting, to the person one is negotiating with, and their personal negotiation style, but the principles remain. Indeed, throughout the book Federman does not invent novel principles of negotiation; rather, she applies the general principles to unique settings. Federman mentions the basic negotiating principles of distinguishing between stated interests and underlying positions, establishing a walkaway point, gaining information on the other side by asking questions, being quiet after making a request, best alternative to a negotiated agreement (BATNA), the “win-win” approach, undergoing rejection therapy to become more comfortable making requests, appropriate physical gestures and dressing professionally, the importance of timing, and waiting to discuss money in an interview setting only after the offer is made.

I believe that the real value in this book comes from taking the unique application of these standard negotiation principles and applying them to unique negotiations that are encountered by people in at-risk communities. For example, living paycheck to paycheck likely has a negative effect on one’s BATNA. Conversely, the savings possessed by someone living in an affluent community are likely to provide stronger BATNAs, such as the ability to reject a suboptimal job offer while unemployed, ability to walk away from an automobile negotiation due to owning a second car, and ability to hold out for a higher price when selling an item due to savings. Similarly, it is easier for those with financial reserves to make the required investment of time. For example, such a person is more able to take on a long-term project with a big payout that will not come to fruition until the next month. And such a person is better situated to participate in an unpaid internship that will provide long-term benefits.

And there are further examples that could have been provided in the book. The ability to be quiet after asking for something in a negotiation might also be more difficult for those from at-risk communities, as childhood abandonment trauma makes it more difficult to deal with awkward silence. This can especially be true in email negotiations, where the silence can last days. The notion of seeking a “win-win” outcome may be interpreted differently to those in at-risk communities. When illegal firearms are present at a negotiation, a “win” might mean losing one’s wallet but walking away alive. Furthermore, the presence of an illegal firearm provides the potential for a “lose-lose-lose” outcome whereby the victim of violence loses, the community living in fear loses, and even the perpetrator of the violence loses his humanity.

Additional examples include the confidence to ask for things without the fear of rejection is also something those in at-risk communities are at a disadvantage for. Many of these people were raised to not question their teachers and authority figures out of a show of respect. Research indicates that Black students often do not learn how to effectively ask questions because in their schooling, teachers might disparage their way of speaking. Growing up in a violent environment may not foster the ability to ask questions because survival may be contingent upon being silent. For example, in a black-market transaction, asking questions could be perceived as a challenge to status or even raise suspicions about police involvement. In order to overcome the fear of rejection, it is necessary to overcome the shame and awkwardness that come from a bold request—a valuable skill for any negotiator. Unfortunately, at-risk communities have very different experiences with the effects of shame.

Furthermore, the skepticism that people in at-risk communities have regarding asking for things may be healthy. For example, in 1984 four Black men were shot for asking a man on a New York City subway for \$5 (Reynolds, 2023). And finally, those in at-risk communities may find it harder to ask for things because of an ingrained notion that they are not deserving. Regardless of these

impediments, helping those in at-risk communities to overcome the fear of asking for things—in a safe context—is of paramount importance, as these are the communities that need the most support. Although not addressed in the book, it is important to note that not all requests receive equal treatment. For example, studies show that Black people are more likely to be viewed skeptically when they ask medical professionals for painkillers (Hopluch, 2016).

Federman discusses the topics of race and gender as they relate to negotiated outcomes. In general, these parts of the book warn women and minorities about the potential disadvantages they may experience when attempting to negotiate favorable outcomes. There is certainly evidence to suggest that women and minorities receive disproportionately inferior outcomes in their negotiations under various settings. However, it is unclear if communicating this to women and minorities results in a net benefit. I believe that doing so may serve to exacerbate the problem by unintentionally promoting the underlying harmful stereotypes. For example, Federman refers to people in power as “often a white person.” And Federman references a study that found men negotiated twice as often as women and their initial offers were more bold than women’s initial offers.

One should consider whether telling women and minorities that some of the people they will negotiate with are going to discriminate against them could have a dramatic psychological effect and result in these women and minorities performing worse in their negotiations. To illustrate, imagine being told before the beginning of a negotiation that the other side probably does not like you and therefore will not treat you fairly. This would likely result in a suboptimal negotiation presentation from you. Even if it is true that this person is biased against you, you would likely reach a better negotiated outcome from not being informed of this fact. There could be extreme situations in which we should inform people of bias in those they are negotiating with—such as someone who has a reputation for making sexual advances toward women. But telling large groups of people that they are starting out at a disadvantage may only result in a circular, self-fulfilling prophecy whereby the fear of potentially being discriminated against causes diminished performance, which causes worse negotiated outcomes, which further strengthens the evidence of discrimination, which causes even more fear. This cycle could help explain the previously mentioned finding that women are significantly less likely to engage in a negotiation compared to men. Studies also confirm the negative results of even subliminal reminders of stereotypes. For example, one study found that African Americans who were first asked priming questions about their race went on to perform worse on an exam than those who were not reminded about their race (Steele & Aronson, 1995). Additionally, promoting the notion that men are biased against women may lead to women avoiding male environments, which is detrimental to career advancement.

Another aspect not covered in the book is how it may also be harmful to engage in the practice of offering segregated advice based on the gender and race of the person receiving the advice. This was illustrated in an interview with noted Black economist Thomas Sowell. He was asked how a young African American can become successful in America today. Sowell simply responded, “The same way anybody else would. You equip yourself with skills that people are willing to pay for.” The interviewer was no doubt expecting a race-based response to the question, but Sowell’s universally applicable advice was likely the most beneficial. This elicits the question: Don’t women and minorities deserve to receive the same best negotiation advice that white males receive? Offering segregated negotiation advice risks harming not only women, but also men. This is because much of the advice targeted to women are things that men struggle with as well, examples include confidence in making a bold first offer, dealing with awkward silence, and the willingness to walk away. Offering different negotiation advice to people based on their gender and race may perpetuate the harmful notion that there are inherent differences based on gender and race. This can not only harm the progress of women who deal with stereotypes of being inferior negotiators but also potentially harm men who

may face discrimination for not negotiating according to stereotypical expectations. Finally, perpetuating harmful stereotypes regarding gender differences in negotiations may result in employers being less likely to hire female applicants for positions that involve negotiation and conflict.

Federman's impetus for writing the book provides a powerful narrative that really helps build a strong connection to the reader. She recounts how she initially tried to teach her at-risk Baltimore students using the same textbook examples about negotiation that she learned in her graduate studies program. The resulting confusion from these students regarding how impractical these tactics would be if applied to their unique negotiation settings caused a paradigm shift whereby Federman was forced to consider how better to reach her audience. This strong desire to better engage a diverse student body is something that all good teachers should experience. Every teacher should consider whether the teaching methods and subject matter examples that are in the textbook and that they were taught is really the most efficient way to reach every student, or just students from a similar demographic background as the teacher. This is a critical point to ponder as humans naturally default to the ethnocentric fallacy that everyone perceives the world and has had similar experiences to themselves.

Federman states that the book is for a wide variety of audiences such as:

Anyone seeking social mobility toward a better life for themselves and loved ones.

Anyone struggling with discrimination or marginality.

Anyone operating in volatile or fragile environments.

Current and aspiring managers who want to attract, train, and retain diverse talent.

Instructors of negotiation

I believe that the book would also be a valuable tool to help teach those in privileged positions how to best use their power for good. This is particularly important as one study found, "the more powerful people are, the less attention they pay to the other side's needs" (Diamond, 2012, p. 46). While all of these categories of people would certainly gain insight from reading the book, it is not an instructional tutorial on negotiation strategies, as most other negotiation books. The majority of the content is targeted at instructors wanting to better reach students in a diverse classroom, rather than targeting a person from a disadvantaged community wanting to learn how to become a better negotiator. This target audience is a strength, not a weakness, as there is no shortage of books that focus on teaching negotiation principles. Therefore, this book fills a glaring gap in the negotiation pedagogy literature that will likely have a significant positive impact not only with at-risk students, but in everyone in the classroom—since everyone benefits from increased engagement with those with more diverse experiences. Additionally, society at large benefits when people in at-risk communities are empowered.

While this review provides some constructive criticism, the book is immensely valuable for its unique take on negotiation application. It helps provide a more robust understanding of the diversity likely present in any negotiation class. While many negotiation books emphasize the importance of differences when negotiating with people from other countries, few address the topic of negotiating with people from at-risk communities. The book also provides some intriguing, in-depth

case studies, such as one regarding an orchestra that serves Baltimore, where, due to a lack of funding, the musicians faced a 20% pay cut on top of already low pay.

The conversational tone of the book makes for an easy read, and the structure is helpful as well. Each chapter begins with a brief overview and questions to consider. These questions help the reader reflect on the bigger picture and act as an effective primer for the material to come. The organization of the chapters also helps improve the reading experience by creating a logical flow from one chapter to the next. Chapter 1 “Imagine” encourages the reader to first consider why you want to achieve the desired outcome in a negotiation. Chapter 2 “Ask” explores the effectiveness of simply asking for what you want. Chapter 3 “Give” discusses the cycle of reciprocity. Chapter 4 “Money” considers the importance of finances in negotiations. Chapter 5 “Digital” explores how rapid technological changes affect negotiated outcomes—for bad and for good. Chapter 6 “Power” looks at the various roles that power plays in a negotiation. Chapter 7 “Gender, Sex, and Race” covers the significance of these demographic factors. And finally, chapter 8 “Guns, Addiction, and an Orchestra” provides additional examples of the unique negotiation strategies encountered by at-risk communities.

The book is strongly recommended to anyone who teaches negotiation and is looking to provide a more robust and practical experience for all. And because the book frequently focuses on using negotiation tactics to advance positive social change in disadvantaged communities by negotiating on behalf of others, it would also be beneficial for instructors of topics such as leadership, sociology, urban studies, and community activism.

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### Author Bio

**Michael Conklin** is an Assistant Professor of Business Law and Negotiation at Texas A&M University Central Texas and a Lecturer at Texas A&M University School of Law. He has published in over 100 academic journals. His research focus is expansive, but often centers on bridging the gap between theory and practice, providing valuable insight for policy makers, practitioners, and scholars.