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# Happiness at the House of Mouse: How Disney Negotiates to Create the “Happiest Place on Earth”

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## I. INTRODUCTION

Poets rhapsodize about it, the Beatles sing about it, philosophers debate it, psychologists study it, and chocolate induces it. Disney,<sup>1</sup> on the other hand, claims title to it: happiness. Walt Disney,<sup>2</sup> founder of The Walt Disney Company (Disney or the Company)<sup>3</sup> and the creative force behind the Parks<sup>4</sup> and Resorts,<sup>5</sup> referred to his flagship Resort in California as “the happiest place on Earth.”<sup>6</sup> As Disney has expanded its presence beyond Disneyland,<sup>7</sup> the media have employed the phrase “the happiest place on

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1. For the sake of brevity, this Article assumes a certain degree of familiarity with The Walt Disney Company’s theme parks, resorts, products, films, and terminology, so many references to attractions at the Walt Disney World Resort and to Disney characters are not defined. *See generally* DISNEY, <http://disney.go.com> (last visited July 13, 2012); *see also* *Attractions at Walt Disney World Resort*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/attractions/> (last visited July 13, 2012) [hereinafter *Attractions*]; *see also* *All Characters*, DISNEY, <http://disney.go.com/characters/#/characters/allcharacters/> (last visited July 13, 2012) [hereinafter *Characters*]; *see also* *infra* Appendix A for Disney-specific definitions.

2. *See infra* Appendix A.

3. *See infra* Appendix A.

4. *See infra* Appendix A.

5. *See infra* Appendix A.

6. Anthony Lane, *Wonderful World: What Walt Disney Made*, THE NEW YORKER, Dec. 11, 2006, available at [http://www.newyorker.com/archive/2006/12/11/061211fa\\_fact](http://www.newyorker.com/archive/2006/12/11/061211fa_fact) (quoting Walt Disney’s reference to the Disneyland Resort in Anaheim, California); *see also* *infra* Appendix A.

7. Disney currently owns, operates, manages, and/or licenses, directly or indirectly, six Resorts worldwide, with a seventh currently under construction. The Walt Disney Co., *Annual Report (Form 10-K)*, at 7, 11 (Nov. 23, 2012) [hereinafter *Annual Report*]. These include the Disneyland Resort in California, the Walt Disney World Resort in Florida, the Tokyo Disney Resort in Japan, Disneyland Resort Paris in France, the Hong Kong Disneyland Resort in China, Aulani, a

Earth” (the Happiest Place on Earth or the HPOE<sup>8</sup>) to refer also to other Resorts, including the Walt Disney World Resort in Lake Buena Vista, Florida (Walt Disney World or WDW).<sup>9</sup> For WDW to deserve the title of the HPOE, it must cultivate an atmosphere that stimulates happiness to an unusually great extent. This Article examines, in the context of negotiation theory, the degree to which Disney creates happiness for those inside WDW, particularly WDW’s guests<sup>10</sup> and cast members (Cast Members or CMs<sup>11</sup>). It begins with a brief discussion of happiness, the emotion<sup>12</sup> in question, and of negotiation theory. This Article next examines how Disney creates at WDW a negotiating environment conducive to the stimulation of happiness. It then analyzes personal observations<sup>13</sup> of Disney’s negotiations with guests and CMs and offers suggestions for how Disney could negotiate more effectively. Finally, this Article concludes with a judgment about Disney’s success in presenting WDW as the HPOE and with contemplation of how lessons learned from Disney are applicable to other companies.

#### A. *Emotion Theory: An Understanding of Happiness*

Emotions are influential and ever-present factors of daily life. Although the words used to describe emotions vary across cultures, the emotions themselves seem to be universal.<sup>14</sup> The emotion of “happiness” is a positive emotion<sup>15</sup> generally understood to refer to a state involving positive feelings or positive judgments about feelings.<sup>16</sup> Theorists distinguish between the different senses in which happiness can be understood. One useful construct

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Disney Resort & Spa in Hawaii, and the Shanghai Disney Resort in China (under construction). *Id.* at 7-11; *see also infra* Appendix A. Disney also operates several other resort and vacation facilities, including through the Disney Vacation Club, which offers ownership interests in resort facilities through a vacation ownership plan, the Disney Cruise Line, a vacation cruise line with three ships in operation and one under construction, and Adventures by Disney, which provides all-inclusive, guided vacation tour packages, mainly at non-Disney sites. *Annual Report, supra* note 7, at 11-12.

8. *See infra* Appendix A.

9. *See, e.g.,* Millie Alexander, “Go Where the Dream Takes You”: Disneyland Then and Now, *THE SUNDAY OREGONIAN*, Apr. 24, 2005, at T01 (noting that, at that time, the so-called happiest places on earth included all five of Disney’s then-existing Resorts); *see also infra* Appendix A.

10. *See infra* Appendix A.

11. *See infra* Appendix A.

12. *See infra* Appendix B for definitions of terms relevant to emotions.

13. The information and assertions made throughout this Article and not attributed to another source come from interviews I conducted, my personal observations, and my first-hand experience derived from recent trips to WDW to conduct research for this Article.

14. *See* STEVEN PINKER, *HOW THE MIND WORKS* 365 (1997).

15. *See infra* Appendix B.

16. DANIEL NETTLE, *HAPPINESS: THE SCIENCE BEHIND YOUR SMILE* 29 (2005); *see also infra* Appendix B.

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is Daniel Nettle's levels of happiness framework. Nettle refers to happiness at its most instinctual, sensory level as "level one happiness," roughly equivalent to "joy" or "pleasure."<sup>17</sup> At this level, happiness is a transient and unmistakable positive feeling induced by attainment of a desired state.<sup>18</sup> The next level, "level two happiness," is characterized by reflection upon which, on balance, pleasures outweighs pains; it is a hybrid of emotion and judgment about emotion that is roughly equivalent to "contentment" or "satisfaction."<sup>19</sup> The happiness in question at WDW can be understood as a combination of level one and level two happiness, meaning that WDW provides guests and CMs with a significant number of pleasures and, on balance, the pleasures they experience at WDW outweigh the inevitable instances of discontent.<sup>20</sup> For WDW rightly to be considered the HPOE, the happiness it offers guests and CMs in this hybrid sense of the emotion must be relatively greater than that outside of the Disney property. Because such an objective comparison of happiness levels inside and outside of WDW is infeasible, this Article will focus upon the balance of happiness and unhappiness within WDW on the theory that finding WDW's balance strongly in favor of happiness at least entitles Disney to assert that WDW is the HPOE, unless another place is proved to be happier.

### *B. Negotiation Theory: The Core Concerns*

Negotiation can be understood to mean all back-and-forth communication designed to reach an agreement when the parties have some shared and some opposing interests.<sup>21</sup> This Article adopts the premise that all interactions between two parties involve negotiations, and all

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17. See NETTLE, *supra* note 16, at 17; see also *infra* Appendix B. Seligman's "present happiness" embodies a similar concept of this type of happiness, viewing it as a combination of pleasures and gratifications. See MARTIN E.P. SELIGMAN, AUTHENTIC HAPPINESS: USING THE NEW POSITIVE PSYCHOLOGY TO REALIZE YOUR POTENTIAL FOR LASTING FULFILLMENT 102 (2002); see also *infra* Appendix B for definitions of present happiness and pleasures.

18. See NETTLE, *supra* note 16, at 17.

19. See *id.*; see also *infra* Appendix B. Nettle's third level of happiness, "level three happiness," contemplates a life in which a person flourishes or fulfills his true potential. See NETTLE, *supra* note 16, at 20. Level three happiness is beyond the scope of this analysis and is not addressed in this Article.

20. Discontent is "inevitable" because even if WDW is the HPOE, it is still part of Earth—i.e., occupants of WDW are not immune from inclement weather, technical malfunctions, hunger, fatigue, or any other source of unpleasantness that exists in life outside of the Resort.

21. See ROGER FISHER, WILLIAM URY & BRUCE PATTON, GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN xvii (2d ed. 1991); see also *infra* Appendix B.

negotiations involve the parties' emotions. Negotiations can either benefit from or be hindered by the parties' emotional experiences.<sup>22</sup> The ability to manage emotions effectively is a desirable negotiating skill because of emotions' potential to impact negotiations positively or negatively.<sup>23</sup> As a proxy for confronting emotions directly, negotiators may choose to address each person's "core concerns," what Fisher and Shapiro define as "human want[s] of personal significance, usually arising within a relationship" (the Core Concerns).<sup>24</sup> The Core Concerns framework provides negotiators with the ability to manage emotions without becoming overwhelmed by them.<sup>25</sup> In essence, this framework asserts that negotiators can stimulate positive emotions in themselves and in their counterparties by dealing effectively and to an appropriate extent with both parties' five Core Concerns: affiliation, autonomy, status, role, and appreciation.<sup>26</sup> Ignoring or failing to meet the Core Concerns can have the opposite effect: the stimulation of negative emotions.<sup>27</sup>

### C. Implications for Disney

In its operation of WDW, Disney interacts constantly with guests and CMs. Each of these interactions is a negotiation, and each is an opportunity for Disney to meet its counterparties' Core Concerns effectively. This Article asserts that the result of Disney's effective negotiation at WDW is the stimulation of positive emotions—particularly happiness—in the guests and CMs with whom it interacts; conversely, the result of Disney's negotiation failures is the stimulation of negative emotions. Thus, WDW's claim to the title of the HPOE hinges upon Disney's ability to meet guests' and CMs' Core Concerns, and thereby to stimulate a favorable balance of happiness.<sup>28</sup>

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22. For example, negative emotions can draw attention away from substantive matters, damage relationships, or be used to exploit one of the negotiators. *See* ROGER FISHER & DANIEL SHAPIRO, *BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE* 5 (2005). Positive emotions can facilitate the meeting of substantive interests and enhance relationships. *See id.* at 7-8.

23. *See id.* at 5-8.

24. *Id.* at 210; *see also infra* Appendix B.

25. FISHER & SHAPIRO, *supra* note 22, at 15.

26. *Id.* at 15-16. *See infra* Appendix B for definitions of the five Core Concerns.

27. FISHER & SHAPIRO, *supra* note 22, at 17-19. *See infra* Appendix B.

28. Since Disney is not a natural person, the extent to which guests and CMs meet "Disney's" Core Concerns will be ignored in favor of a discussion of the importance to the Company of WDW's being the HPOE. *See infra* Part VI.A.

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## II. SETTING THE STAGE FOR NEGOTIATION SUCCESS: HOW DISNEY PREPARES TO NEGOTIATE

One of Disney's greatest negotiation strengths is its nearly total control over the negotiation setting.<sup>29</sup> Disney negotiates on its "home turf": Walt Disney World is Disney's version of Camp David—an environment that Disney can structure to its negotiating advantage. Walt Disney World's design (of which the CMs are a part) is notable both in how it stimulates positive emotions and also in how it minimizes the stimulation of negative emotions, and creating this environment is an important aspect of Disney's preparation for negotiations.

Disney also prepares for negotiations by training its CMs rigorously. Though CMs do not undergo any formal negotiation training or any specific training on how to deal with "difficult" guests,<sup>30</sup> Disney does require all CMs to undergo a special training program at "Disney University"<sup>31</sup> to instill in them Disney's values and approach to customer service.<sup>32</sup> This training program, called "Traditions," is important because it establishes strict guidelines for CM behavior and interaction with guests,<sup>33</sup> all of which shapes CM-guest negotiations.

### A. *Elements of WDW that Stimulate Positive Emotions*

Scholar Yi-Fu Tuan comments that "the overarching purpose of the Disney park is to promote happiness,"<sup>34</sup> and Disney endeavors to achieve

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29. As Jane Kuenz comments, "Disney protects its borders . . . . The concern is to let nothing enter or exit the property unregulated or uncontrolled." THE PROJECT ON DISNEY, INSIDE THE MOUSE: WORK AND PLAY AT DISNEY WORLD 115 (Jane Kuenz, Susan Willis, Shelton Waldrep & Stanley Fish eds., 5th ed. 1995).

30. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 2007). Much of the information for this Article comes from personal observations of, and interviews with, guests and CMs throughout WDW. These conversations took place in January of 2007 (unless otherwise indicated). Due to the necessity of conducting most of the interviews spontaneously, informally, and anonymously, the various interviewees cannot be identified by name or specific job function.

31. See *infra* Appendix A.

32. See BILL CAPODAGLI & LYNN JACKSON, THE DISNEY WAY: HARNESSING THE MANAGEMENT SECRETS OF DISNEY IN YOUR COMPANY 36 -37 (1999).

33. See *id.* at 37. See *infra* Part II.C for a description of Traditions; see also *infra* Appendix A.

34. Yi-Fu Tuan & Steven D. Hoelscher, *Disneyland: Its Place in World Culture*, in DESIGNING DISNEY'S THEME PARKS: THE ARCHITECTURE OF REASSURANCE 191 (Karal Ann

this end through exacting and purposeful Resort design. According to Tuan, Disney immerses guests in an “ambiance” that they may not consciously perceive, but that “generate[s] a sense of well-being, a fragrance that lingers.”<sup>35</sup> This ambiance is first established by WDW’s impressive skyline,<sup>36</sup> which treats guests from afar to a view of futuristic Space Mountain<sup>37</sup> and, of course, Cinderella Castle,<sup>38</sup> which unfailingly inspires awed gasps and squeals of excitement from guests and CMs alike.<sup>39</sup> Upon entering the Magic Kingdom,<sup>40</sup> guests arrive on Main Street, U.S.A.<sup>41</sup> Main Street is designed to be aesthetically unthreatening and to lack any “disquieting cacophony of visual stimuli” that might detract from guests’ good moods; from its inception, its clean streets and bright colors were intended to convey hope and cheerfulness:<sup>42</sup>

It aimed to soothe and reassure. It aimed to give pleasure. Joy. A flash of sunny happiness. The small, sweet, ordinary, domestic emotions seldom implicit in the definition of aesthetic pleasure. The architecture of reassurance. “All I want you to think about,” Walt told his non-architects, “is that when people walk through . . . anything you design, I want them, when they leave, to have smiles on their faces.”<sup>43</sup>

Like Main Street, the rest of the Magic Kingdom is designed to delight and to entertain its guests. Throughout the Resort, WDW’s designers have transformed nature to make it “more aesthetic and amusing.”<sup>44</sup> Stimulating a sense of wonder and newness, Disney frequently replants trees and flowers.<sup>45</sup> Disney even imported aesthetically-pleasing, bluish water to fill a lake whose water was tea-colored due to the cypress bark on the surrounding

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Marling ed., 1997). Though Tuan’s essay specifically comments on Disneyland, the same principles apply to WDW.

35. *Id.* at 196.

36. The majority of references to WDW (unless otherwise indicated) concern the Magic Kingdom, the first Park built in Florida, and the Park that is most often associated with WDW. *See infra* Appendix A.

37. *See Attractions, supra* note 1.

38. *See infra* Appendix A.

39. One CM who works in Disney’s Hollywood Studios reports that despite having worked for Disney for several years, he is still awestruck by the Castle every time he ventures into the Magic Kingdom. Interview with a Hollywood Studios Cast Member, at Walt Disney World (Jan. 15, 2007); *see also infra* Appendix A.

40. *See infra* Appendix A.

41. *See infra* Appendix A.

42. Karal Ann Marling, *Imagineering the Disney Theme Parks*, in *DESIGNING DISNEY’S THEME PARKS: THE ARCHITECTURE OF REASSURANCE* 81 (Karal Ann Marling ed., 1997) (referring to the very similar Main Street, U.S.A. at Disneyland).

43. *Id.* at 83.

44. Tuan & Hoelscher, *supra* note 34, at 192 (discussing using water jets to create “dancing” water, rather than incorporating only naturalistic streams); *see also supra* note 34.

45. *Id.* at 195.

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trees.<sup>46</sup> Walt Disney World exudes a carefully contrived “sunny exuberance . . . [and an] overarching theme of optimism”<sup>47</sup> that set the stage for negotiations predominated by positive emotions.

The use of WDW’s design to promote happiness can also be examined through the lens of *feng shui*, a doctrine of ancient principles of design focused upon maximizing positive energy and minimizing negative forces through the use of certain shapes, placements, objects, and colors.<sup>48</sup> According to *feng shui*, every solid object is a “mass of vibrating energy” that can exude either positive or negative forces.<sup>49</sup> Everything is linked through *chi*, an “energetic, formative principle [of energy] that is spontaneously expressed through life.”<sup>50</sup> The presence of balanced, active, and sufficient *chi* contributes to a healthy and happy environment, while negative *chi* (“*sha*”) imparts rotten, toxic, painful, contaminated, and dangerous qualities to one’s social, physical, and mental condition.<sup>51</sup> Following *feng shui* principles, maximizing WDW’s *chi* would contribute importantly to the Resort’s being the HPOE. *Feng shui* offers guidance on how to maximize *chi* in a given space.<sup>52</sup> Planners should use curves wherever possible to attract *chi*, and should avoid straight lines because they can produce “secret arrows” that threaten to wound whatever is at the receiving end.<sup>53</sup> *Chi* can also be invited into spaces by light, living things, bold colors, eye-catching objects, pleasant sounds, running water, plants, and flowers.<sup>54</sup> As though Walt Disney and his Imagineers<sup>55</sup> had studied *feng shui* principles,<sup>56</sup> the Magic Kingdom seems designed to be attractive to *chi*: The Park is a mass of curves leading from one whimsical display to the next;

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46. JANET WASKO, UNDERSTANDING DISNEY: THE MANUFACTURE OF FANTASY 169 (2001).

47. Tuan & Hoelscher, *supra* note 34, at 198; *see also supra* note 34.

48. ALBERT LOW, FENG SHUI: THE WAY TO HARMONY 6 (1993).

49. *Id.*

50. Angel Thompson, *The Power of Chi*, in CONTEMPORARY EARTH DESIGN: A FENG SHUI ANTHOLOGY 49 (Jami Lin ed., 1997). The author conceptualizes *chi* as “spirit.” *Id.*

51. *Id.* at 50-51.

52. *See id.* at 49-56.

53. *See id.* at 51-52.

54. *Id.* at 55.

55. *See infra* Appendix A.

56. In fact, Disney has previously incorporated principles of *feng shui* into its Resort designs, most notably at the Hong Kong Disneyland Resort. *See* THE WALT DISNEY COMPANY, FACT BOOK 2005, at 56 (Jan. 26, 2005), *available at*

[http://thewaltdisneycompany.com/sites/default/files/reports/factbook\\_2005.pdf](http://thewaltdisneycompany.com/sites/default/files/reports/factbook_2005.pdf) [hereinafter FACT BOOK 2005].

it is studded with streams and ponds, accented by indigenous flora, host to several types of birds, and constantly enlivened by laughter, cheers, and music. The Resort's ability to attract *chi* contributes to WDW's bid to be the HPOE because it infuses the Resort with positive energy.

Walt Disney World's design seems intended to instill in guests a feeling of excitement and wonder. Thrilling rides, shows, parades, fireworks, and encounters with Characters<sup>57</sup> all contribute to the guests' sense of wonder. What guests perceive as random and unexpected is actually carefully choreographed by Disney, creating two advantages for Disney in its negotiations with guests. First, Disney is prepared for the negotiations because it controls the environment and can better plan for them. Second, providing guests with an experience that blends pleasure with uncertainty may increase the duration of their pleasurable experiences.<sup>58</sup> Known as the "pleasure of uncertainty hypothesis,"<sup>59</sup> this theory argues that people automatically attempt to make sense of events to which they react emotionally, and if successful, they adapt to them emotionally (i.e., have a less intense emotional reaction to them).<sup>60</sup> There is some evidence that positive moods are more sustainable when a contributing factor to them is more difficult to make sense of or is mysterious.<sup>61</sup> Disney appears to create deliberate uncertainty for guests through the Parks' myriad spectacles and attractions, possibly in hopes that guests' positive emotional reactions to WDW will be long-lived. An important factor in Disney's creation of wonder and uncertainty is the parallel reassurance of guests that if the uncertainty is resolved, it will be resolved happily. Disney provides this reassurance particularly because of its control over the environment of WDW<sup>62</sup>—the Resort is a safe haven focused on the pursuit of pleasure. Expecting to find WDW to be the HPOE, guests are secure in the belief that

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57. See *infra* Appendix A.

58. Timothy D. Wilson, David B. Centerbar, Deborah A. Kermer & Daniel T. Gilbert, *The Pleasures of Uncertainty: Prolonging Positive Moods in Ways People Do Not Anticipate*, 88 J. PERSONALITY & SOC. PSYCHOL. 5, 6 (2005).

59. *Id.* at 7 (internal quotations omitted); see also *infra* Appendix B.

60. Wilson, Centerbar, Kermer & Gilbert, *supra* note 58, at 6. In support of this hypothesis, the authors cite Mellers, Schwartz, and Ritov for the finding that stronger emotional reactions follow events that are more unexpected. Further, they note that the brain's reward pathways are activated by a stimulus' lack of predictability. In addition, since unexpected events increase physiological arousal, and arousal is likely to intensify emotional reactions to events, the authors contend that uncertainty leads to more sustainable positive emotions. See *id.* (internal citations omitted).

61. *Id.* at 17.

62. See WASKO, *supra* note 46, at 166-70 (discussing the theme of control in reference to Disney's management of the Parks).



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unexpected events will be happy ones.<sup>63</sup> And because guests hold this expectation, their excitement and wonder are expressions of their happiness.

Walt Disney World sets the stage for happiness also by appealing to the senses. Guests arriving at the Parks are greeted by music, all of which is designed to coordinate with guests' moods at the time they hear it: The morning music is upbeat and lively, but it mellows by night.<sup>64</sup> Presumably, a mismatch of sound and mood could be perceived as unpleasant by the listeners, and could diminish their happiness. Not only is the choice of music intuitively important, but psychological studies have also demonstrated instances of music's influence on consumers' interactions with commercial environments. For example, one study found that customers' higher desire to affiliate with employees was generally associated with higher degrees of music-induced pleasure and arousal;<sup>65</sup> thus, utilizing pleasing music throughout the Resort could presumably facilitate guest-CM negotiations because the guests may be more inclined to affiliate with CMs.<sup>66</sup> Similarly, psychologists have found a positive relationship between people's liking music at a particular place and (1) their willingness to return to it and (2) the extent to which they are willing to interact with others there.<sup>67</sup> This suggests that if guests enjoy the music at WDW, they may be more likely to visit the Resort again and may also be more disposed to negotiate with CMs while they are there.

Walt Disney World is also filled with olfactory delights. For instance, many of the plants within the Parks are flowering plants. Because Disney replants trees and flowers frequently,<sup>68</sup> WDW is almost always in bloom.

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63. Much of this expectation derives from Disney's efforts to eliminate elements from WDW that stimulate negative emotions. *See infra* Part II.B.

64. TOM CONNELLAN, *INSIDE THE MAGIC KINGDOM: SEVEN KEYS TO DISNEY'S SUCCESS* 67-68 (1997).

65. Adrian C. North, David J. Hargreaves & Jennifer McKendrick, *The Influence of In-Store Music on Wine Selections*, 84 J. APPLIED PSYCHOL. 271, 272 (1999) (internal citations omitted).

66. Playing Disney music throughout the Parks could also be a technique for encouraging guests to purchase Disney products: The neural network approach to cognition suggests that stimuli activate certain related knowledge units, such that stereotypically "Disney" music should trigger knowledge related to Disney and prime selection of products related to Disney because they accord with the music. *See id.* at 272-73. In this way, pleasant music may not only boost guests' moods and encourage them to affiliate with CMs, but it may also be a factor in their purchasing behavior while visiting the Resort.

67. *Id.* at 272 (internal citations omitted).

68. *See supra* text accompanying note 45.

Studies have shown that floral scents are universally pleasant.<sup>69</sup> Other less subtle, but equally pleasant, scents pervade WDW: A stroll through the different areas of the Magic Kingdom treats guests to whiffs of popcorn, roasting turkey legs, caramel apples, cinnamon-covered *churros*, and fresh baked goods. Disney even manipulates these pleasant aromas to enhance the guest experience—for example, by creating the scent of chocolate chip cookies near the Main Street Bakery,<sup>70</sup> even when no cookies are actually being baked. Professors Gulas and Bloch argue that the combination of pleasant ambient scents with preexisting scent preferences results in positive affective reactions (i.e., elevated moods).<sup>71</sup> It follows that the scents of fragrant flowers and delicious edibles contribute to WDW's being the HPOE insofar as they accord with CMs' and guests' scent preferences. Moreover, the pleasant scents may lead to increases in spending levels and lengths of stay where they are experienced.<sup>72</sup> From Disney's perspective, then, WDW's pleasing scents are desirable not only because they may help to elevate CMs' and guests' moods, but also because they may encourage guests to spend a longer time at WDW and to purchase more while there.

Even more notable in WDW's endeavor to become the HPOE through its physical environment is the Resort's stunning visual display. One of the cornerstones of WDW's visual appeal is its use of color. Planning the color scheme is the first step of Disney's building process—Disney artists and Imagineers choose colors for every part of the Resort with such painstaking detail that they even consider where the sun will fall at different times of the year.<sup>73</sup> Color is an important consideration because of its psychological and physiological effects on viewers. Perhaps the most dominant color at WDW is purple, which pervades Fantasyland,<sup>74</sup> Disney's Contemporary Resort,<sup>75</sup> many of the main public areas (such as the Transportation and Ticket Center<sup>76</sup>), and various CM uniforms (including those worn by the bus

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69. Charles S. Gulas & Peter H. Bloch, *Right Under Our Noses: Ambient Scent and Consumer Responses*, 10 J. BUS. & PSYCHOL. 87, 91 (1995) (internal citations omitted).

70. See WASKO, *supra* note 46, at 166 & n.51. See also *Restaurants at Walt Disney World Resort*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/dining/listing/> (last visited July 13, 2012) [hereinafter *Restaurants*].

71. Gulas & Bloch, *supra* note 69, at 91.

72. *Id.* at 93. Gulas and Bloch note that the perceived congruity of scent with other atmospheric elements may be significant in eliciting positive affective responses, which may not result when pleasant scents are mismatched with other features of the environment. See *id.* at 92. Presumably, guests would not perceive flowers and edible treats as incongruous at an open-air theme park such as WDW.

73. CONNELLAN, *supra* note 64, at 34-35.

74. See *infra* Appendix A.

75. See *infra* Appendix A.

76. See *infra* Appendix A.

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drivers). The color purple combines red's power with blue's elegance, and is used to connote grandeur and luxury.<sup>77</sup> It is frequently associated with children's products and characters.<sup>78</sup> Purple is a wise choice for the dominant color of the HPOE because it does not trigger negative emotions, as do, for instance, its component colors: Red stimulates anger and connotes danger and war, and in large doses it can be distracting and exhausting.<sup>79</sup> Blue, on the other hand, can be perceived as melancholy and result in depression, and so should be avoided in large areas and near food.<sup>80</sup> As accent colors, Disney employs mainly yellow, orange, and green, each of which has positive connotations (particularly in the small doses in which Disney uses them). Yellow is an appropriate accent color for WDW because it conveys excitement, fun, and surprise; it is an upbeat, cheerful, and lively color that signals to the brain the presence of something new and unusual.<sup>81</sup> Orange is another attention-grabbing color that is best appreciated in small amounts because it can be jarring and exhausting.<sup>82</sup> Orange is a warm color, meaning that it increases the heart rate and pulse.<sup>83</sup> It is used to convey creativity and exoticism.<sup>84</sup> From a practical perspective, orange is useful as an accent color in areas of heavy traffic flow—because it is physically exhausting for the eyes to look at the color for long, people tend to move quickly through areas with orange.<sup>85</sup> As could be expected, Disney uses orange accents in places such as the Transportation and Ticket Center, where guests do not often (and are not encouraged to) linger. Lastly, Disney incorporates a great deal of green into WDW, both in its natural state, as foliage, and as an accent paint color. Natural green, which combines green and yellow, signifies optimism, well-being, renewal, and vitality.<sup>86</sup> The blue-green accent paint Disney uses conveys a sense of calming luxury.<sup>87</sup> Further, Disney's use of jewel tones contributes to WDW's seeming upscale

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77. MIMI COOPER & ARLENE MATTHEWS, COLOR SMART: HOW TO USE COLOR TO ENHANCE YOUR BUSINESS AND PERSONAL LIFE 33, 41 (2000).

78. *Id.* at 33.

79. *Id.* at 26, 39.

80. *Id.* at 32, 41.

81. *Id.* at 29-30, 40.

82. *Id.* at 27-28, 40.

83. *Id.* at 27.

84. *Id.* at 39-40.

85. *Id.* at 87.

86. COOPER & MATTHEWS, *supra* note 77, at 31, 40.

87. *Id.* at 30-31, 41.

and welcoming.<sup>88</sup> And in areas emphasizing nature and the outdoors, such as Frontierland<sup>89</sup> and Disney's Animal Kingdom Park,<sup>90</sup> Disney incorporates various shades of brown. Brown is the color of earth, home, and hearth; it is relaxing and inspires confidence.<sup>91</sup> Only infrequently at WDW are white, gray, and black used, perhaps because white can seem cold, artificial, and sterile;<sup>92</sup> gray can be serious, old, and dull;<sup>93</sup> and black can suggest fear, anger, depression, sex, and death.<sup>94</sup> Walt Disney World's colors seem intended to delight and enthuse, and thereby, to set the stage for negotiations with guests that stimulate positive emotions.

*B. How Disney Avoids Elements that Stimulate Negative Emotions*

Just as Disney specifically incorporates some features into WDW because they contribute to guests' happiness, it also assiduously avoids other elements of the "real" world that could have the opposite effect. One such element is crime. Disney employs and trains its own security firm to keep WDW safe.<sup>95</sup> While some security officers are uniformed and visible throughout the Parks, others are "foxes"—officers disguised as guests who monitor the stores to prevent shoplifting.<sup>96</sup> Another factor is the lack of cigarette smoke: Disney prohibits smoking in all of its restaurants and throughout the Resort, except for specially-designated areas. This technique of environmental control provides for the enjoyment of nonsmoking guests, particularly those concerned about their children's exposure to second-hand smoke, while it makes some accommodation for smokers. Disney strikes a similar balance with alcohol. Alcoholic beverages are not served anywhere inside the Magic Kingdom; elsewhere throughout the Resort, they are carefully restricted to the less family-oriented areas.<sup>97</sup> Controlling the consumption of alcohol contributes to making WDW the HPOE because it

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88. *Id.* at 31, 86.

89. *See infra* Appendix A.

90. *See infra* Appendix A.

91. COOPER & MATTHEWS, *supra* note 77, at 37-38.

92. *Id.* at 35, 42.

93. *Id.* at 36.

94. *Id.* at 36-37.

95. CAPODAGLI & JACKSON, *supra* note 32, at 37.

96. THE PROJECT ON DISNEY, *supra* note 29, at 124.

97. For example, street vendors in Epcot's World Showcase (the area of the Park focused upon restaurants, shops, and cultural learning) serve wine, beer, and margaritas, while vendors in Future World (the area of the Park with most of the rides and other attractions) serve only soft drinks. *See infra* Appendix A.

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keeps WDW a place to which parents are comfortable bringing their children, and because it minimizes destructive, drunken behavior.

Another form of social control that Disney employs, one that has attracted the attention of social critics, is designing the Parks so as to minimize contact and interaction between guests.<sup>98</sup> When visiting WDW rides by myself, I was consistently seated alone,<sup>99</sup> rather than joined with other odd-numbered parties to fill an even number of seats. Disney makes great efforts not to commingle groups, and provides distractions when guests are assembled together in lines.<sup>100</sup> The practical effect of this design is the minimization of negotiations between guests. In a sense, this contributes to WDW's being the HPOE—because guests participate in few negotiations amongst each other, the potential that they will engage in a negotiation that stimulates negative emotions is diminished.<sup>101</sup> Arguably, this results in an isolating experience for guests; however, guests are free to seek each other out everywhere except the actual seats of the rides if they are so inclined. Viewed in another way, the design-induced isolation contributes to WDW's being the HPOE because it provides guests with an oasis of calm and a respite from negotiations with unfamiliar counterparties.

In addition to employing wide scale social controls of the types discussed above, Disney also carefully avoids sensory stimuli that might trigger a negative emotional reaction. Walt Disney World is a wholesome and inoffensive auditory environment—there is no music with lyrics that might offend guests or cause parents to worry about their children hearing them. Unlike the “real” world, at WDW there are no screeching sirens or

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98. See, e.g., THE PROJECT ON DISNEY, *supra* note 29, at 62-63 (“[C]ontact with other people is only minimally available and not at all desirable. Most of the rides are intentionally designed to disallow seeing anyone—much less touching or talking to them—other than who you’re sitting immediately next to and probably came with.”).

99. This was the case even on rides such as Pirates of the Caribbean, on which the boats can accommodate at least four adults per row. However, Disney does commingle guests on a few very popular attractions at WDW, such as Test Track at Epcot. These attractions have a separate line for single riders, who join with odd-numbered parties to fill an even number of seats. See *Attractions*, *supra* note 1; see also *infra* note 283 and accompanying text.

100. For example, guests waiting to watch the attraction Muppet Vision 3-D at Hollywood Studios can focus on the pre-show playing on video monitors rather than interact with other guests. Accord THE PROJECT ON DISNEY, *supra* note 29, at 63 (the screens direct the attention and any possible exchanges of “waiting visitors away from each other”). See *Attractions*, *supra* note 1.

101. Of course, the reverse is also true: The potential for inter-guest negotiations that stimulate positive emotions is likewise diminished. But considering the guests’ negotiations would be spontaneous, and probably influenced by their fatigue, hunger, impatience, and unruly children, it seems likely that separating the guests would prevent more negative interactions than positive ones.

CMs uttering expletives.<sup>102</sup> In fact, CMs are even instructed in emergencies to avoid using “panic words” (e.g., fire, car accident, ambulance, evacuation) that might upset guests; instead, they use Disney terminology (e.g., Signal 25, Signal 4, Alpha Unit, Exiting).<sup>103</sup> Likewise, because WDW is clean and kempt, guests are not assaulted by smells of decaying garbage, which is universally considered unpleasant.<sup>104</sup> And as discussed above, Disney largely avoids the use of certain colors throughout the Resort, perhaps because of the colors’ potential to stimulate negative emotions.<sup>105</sup> This idyllic environment stems from Walt Disney’s own experience bringing his daughter to carnivals: Upset by the dirty, unpleasant conditions he found there, Disney was inspired to create an atmosphere to which no parent would hesitate to bring a child.<sup>106</sup> The beneficial result of Walt Disney’s parental experience is a Resort that minimizes the presence stimuli of negative emotions and is conducive to positive negotiations.

*C. How Disney’s Training Serves as Preparation for Negotiations that Stimulate Positive Emotions*

One of the main reasons why customers “fire” companies is poor training of employees.<sup>107</sup> With this in mind, Disney’s corporate success may

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102. Disney forbids CMs to use foul language. See Janis Forman, *Corporate Image and the Establishment of Euro Disney: Mickey Mouse and the French Press*, 7 TECHNICAL COMM. Q. 247, 252 (1998).

103. WASKO, *supra* note 46, at 93-94. An example of Disney’s avoidance of panic words came when the Disney bus I was riding between the Magic Kingdom and the Animal Kingdom blew a tire. Hearing the gunshot-like bang, the driver knew the bus had a problem. Rather than become upset, he quietly radioed his supervisor, alerting him that our bus had a problem, and calmly maneuvered the bus to the nearby Disney service station. The CM explained the situation to us using measured tones with no outward display of negative emotion; he presented the bus problem as a minor inconvenience that would soon be rectified and apologized to us for the delay. When we arrived at the service station a new bus was waiting for us. The transportation manager came onto the bus to talk to us after we were seated, apologized again for the inconvenience and pointed out the positive fact that we were now on a brand new bus. Wishing us a “magical day,” he waved goodbye and we got back en route. The significance of this negotiation was the avoidance of emotional contagion: Our driver was calm, so we—even though half the passengers were under the age of ten—were calm.

104. Gulas & Bloch, *supra* note 69, at 91 (noting that smells from the chemical family of mercaptans, including decaying vegetation, spoiled milk, and skunk secretions, are universally considered unpleasant) (internal citations omitted).

105. See *supra* Part II.B (discussing the negative associations of several colors).

106. CONNELLAN, *supra* note 64, at 47.

107. JEFFREY GITOMER, CUSTOMER SATISFACTION IS WORTHLESS, CUSTOMER LOYALTY IS PRICELESS: HOW TO MAKE CUSTOMERS LOVE YOU, KEEP THEM COMING BACK AND TELL EVERYONE THEY KNOW 59-60 (1998). Gitomer presents an expansive list of reasons why customers fire companies. See *id.*

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largely be due to the fact that the Company has a long-standing training program that every Disney CM undergoes.<sup>108</sup> All CMs participate in Traditions, a “mix of company legend, behavioral guidelines, and psycho-social bonding.”<sup>109</sup> Traditions begins with an explanation of Disney’s corporate values and traditions, and proceeds to on-the-job training.<sup>110</sup> Through Traditions and the rest of the Disney University experience, CMs learn Disney’s approach to serving the public and about preserving the integrity of the WDW experience.<sup>111</sup> Cast Members are instructed to smile, to make eye contact, and to seek out guests<sup>112</sup> in a manner Disney terms “aggressively friendly.”<sup>113</sup> A CM who shows exceptional customer service is rewarded with the title “Guest Service Fanatic.”<sup>114</sup> Ensuring that all CMs are proficient in guest service is crucial for Disney because guests average sixty CM contact opportunities while at WDW, and any of these negotiations could be what a guest remembers after leaving the Resort.<sup>115</sup>

An intriguing aspect of Disney’s training and CM guidelines is the requirement that CMs display appropriate body language at all times.<sup>116</sup>

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108. This applies unilaterally to everyone employed at WDW; even the security officers are recruited and trained by Disney. *See supra* text accompanying note 95.

109. WASKO, *supra* note 46, at 92 (internal quotations omitted).

110. CAPODAGLI & JACKSON, *supra* note 32, at 133-34.

111. *See id.*

112. WASKO, *supra* note 46, at 92. These guidelines are similar to those utilized by the airline industry for their flight attendants. *See* ARLIE RUSSELL HOCHSCHILD, *THE MANAGED HEART: COMMERCIALIZATION OF HUMAN FEELING* 95-97 (1983) (noting that flight attendants are instructed to be outgoing, smile, make eye contact, have sincere and unaffected facial expressions, and project a friendly personality). Further parallels between the work performed by flight attendants and CMs are discussed *infra*.

113. CONNELLAN, *supra* note 64, at 40 (internal quotations omitted). Being aggressively friendly involves stopping whatever the CM is doing and helping a guest in any way possible. *Id.*

114. WASKO, *supra* note 46, at 93 (citing literature distributed by the Walt Disney Company). Four main elements contribute to the making of a Guest Service Fanatic: (1) Service (making eye contact, smiling, exceeding guest expectations, seeking out guest contact, greeting every guest, giving outstanding quality service, and maintaining a high personal standard of quality in one’s work); (2) Teamwork (going beyond the call of duty, displaying a strong team initiative, communicating actively with guests and fellow CMs, and preserving the “magical” guest experience); (3) Attitude (giving 100% performance, being extremely courteous and friendly, exemplifying the Disney Look, thanking every guest, and maintaining appropriate body language); and (4) Recovery (providing immediate service recovery, aggressively seeking opportunities to satisfy guests fully, solving guests’ problems before guests become dissatisfied, demonstrating patience and honesty in handling complaints, and preserving the integrity of the show). *Id.* *See infra* Appendix A; *see also infra* Appendix C.

115. CONNELLAN, *supra* note 64, at 41.

116. WASKO, *supra* note 46, at 92, 93.

Body language is an important aspect of negotiation, in part because emotions can have a strong physiological impact upon the body, such that body language communicates emotions.<sup>117</sup> This communicative type of body language involves instinctive gestures, which are universally significant such that guests of any nationality can understand them.<sup>118</sup> As emotions are usually contagious,<sup>119</sup> if guests perceive CMs' negative emotions through CMs' body language, the guests' happiness can similarly be dampened.

Another form of body language significant in negotiation is acquired gestures,<sup>120</sup> which vary cross-culturally. Disney is wise to proscribe use of certain types of body language because, aside from the possibility of CMs' conveying negative emotions through instinctive gestures, acquired gestures have different meanings in different countries. This creates the potential that a CM's hand motion that is innocuous in the United States would be very insulting to a foreign visitor. For example, the "thumb's up," which in the U.S. means "everything is OK" or "good going," is considered a rude gesture in Nigeria and Australia, while in Germany and Japan it represents the numbers one and five, respectively.<sup>121</sup> A similar example is the North American "OK" sign, which can alternately signify a pejorative name (Germany, Latin America), the giving of a curse (Saudi Arabia), "zero" (France), or "money" (Japan).<sup>122</sup> Even the amount of personal space expected varies across cultures.<sup>123</sup> Considering Disney has six Resorts on three continents and receives guests from all over the world, it is important for Disney to take steps not to offend any of its clientele, international or domestic.

Training CMs in displaying universally inoffensive body language is one way in which Disney prepares for successful negotiations. For instance, when asked for directions, CMs are instructed to point with no fewer than two fingers, since it is impolite in some cultures to point with only one.<sup>124</sup>

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117. FISHER & SHAPIRO, *supra* note 22, at 11.

118. See ROGER E. AXTELL, *GESTURES: THE DO'S AND TABOOS OF BODY LANGUAGE AROUND THE WORLD 4* (1998); see also *infra* Appendix B.

119. FISHER & SHAPIRO, *supra* note 22, at 13.

120. See AXTELL, *supra* note 118, at 5; see also *infra* Appendix B.

121. *Id.* at 45.

122. *Id.* at 10, 17, 43-44.

123. For example, Americans generally expect 12-15 inches of personal space (a total of 24-30 inches between people), while Asians, especially the Japanese, leave more space. *Id.* at 42. In contrast, Latin Americans and Middle Easterners often stand toe-to-toe with each other, possibly with a hand on the other person's forearm, elbow, or lapel. *Id.*

124. See CONNELLAN, *supra* note 64, at 136-37. Pointing with two fingers has a practical purpose, as well: It is easier to keep the arm straight so that guests can tell where the CM is pointing. *Id.* at 136.



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Likewise, CMs are not seen conversing with their hands in their pockets<sup>125</sup> or with their hands on their hips.<sup>126</sup> The most prevalent gesture displayed by CMs during their negotiations with guests is the smile, the so-called “ultimate gesture,” which is universally understood as an indication of positive emotions and which releases endorphins, creating a mild euphoria.<sup>127</sup> By training CMs to avoid gestures that might offend guests, and to utilize ones that stimulates positive emotions, Disney’s preparation with respect to body language contributes to WDW’s being the HPOE.

Drawing these observations together, one of Disney’s great strengths in negotiations with guests and CMs is its control over the WDW environment, which functions as a type of preparation for Disney’s negotiations. Preparation can aid a negotiator in stimulating positive emotions and is an important part of an effective negotiation.<sup>128</sup> Walt Disney World’s design stimulates positive emotions by creating a feeling of harmony, wonder, and positive energy and by appealing to the senses. Disney also conscientiously avoids stimulating negative emotions at WDW by employing social controls and by minimizing unpleasant sensory stimuli at the Resort. Another form of preparation Disney utilizes is its CM training, which ensures that CMs are well-equipped for negotiations with guests. Thanks to such elaborate preparation of the negotiation environment, Disney is able to negotiate with guests and CMs in a manner that contributes to WDW’s being the HPOE.

### III. HOW DISNEY SUCCESSFULLY UTILIZES THE CORE CONCERNS IN NEGOTIATIONS

Guests negotiate with Disney on two levels: first, with the Company and the Disney brand via television, movies, merchandise, and the Resorts, and second, with Disney’s agents through its CMs.<sup>129</sup> The Disney brand’s power is significant: With \$40.9 billion in revenue in 2011, six theme parks and more than a dozen other vacation and resort destinations worldwide, and

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125. This is considered impolite in many countries, including Belgium, Indonesia, France, Finland, Japan, and Sweden. AXTELL, *supra* note 118, at 101.

126. This is a gesture of challenge or defiance in Indonesia and throughout much of Latin America. *Id.*

127. *Id.* at 118 (internal quotations omitted).

128. See FISHER & SHAPIRO, *supra* note 22, at 170.

129. For example, Disney can build affiliation with a guest either by using the Castle as a nostalgic reminder of the guest’s childhood dream to be a princess or by a CM’s discussing with the guest how she had wanted to be a princess too.

diversified business segments that include media networks, studio entertainment, consumer products, and interactive media,<sup>130</sup> Disney is more than just a company. It is an entertainment empire and an icon in many guests' lives.<sup>131</sup> Thus, in examining how Disney meets guests' Core Concerns in negotiating to make Walt Disney World the Happiest Place on Earth, it is important to consider both guests' more remote interactions with Disney through features of the Resort, as well as their immediate exchanges with CMs. Similarly, evaluating Disney's negotiations with CMs requires a type of entity approach to understanding Disney as a negotiator.<sup>132</sup> This Part examines Disney's success in meeting the Core Concerns in its negotiations with guests and CMs.

#### A. *Negotiations with Guests*

##### 1. Affiliation

Disney starts building affiliation with guests before they even arrive at WDW. Guests become familiar with Disney through the Company's television channel, radio network, movies, and stores; by the time they come to the Resort, guests feel familiar and affiliated with Disney. This is particularly the case for foreign guests who grew up without a Resort in proximity, since their main sources of contact with Disney are magazines, films, and toys.<sup>133</sup> In this way, Disney's status as a brand empire is significant in meeting guests' concern for affiliation,<sup>134</sup> also because the Disney brand translates cross-culturally. Regardless of their national origin, guests can share the common bond of being Disney guests. Moreover, guests returning to WDW after having visited previously enjoy a sense of

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130. See *Annual Report*, *supra* note 7, at 1-15, 25.

131. For instance, one guest chatted with me about how she had grown up watching Disney on television and had always told herself, "Someday I'll go there!" Interview with a guest, at Walt Disney World (Jan. 15, 2007). Disney's status as a brand empire is significant because many guests feel a sense of affiliation with the Company distinct from that which they may develop with the CMs.

132. For example, understanding CMs' pay as an indication of Disney's appreciation of the CMs depends in some sense upon viewing Disney's hiring and employment practices and policies as a negotiation between the individual CMs and the Company as an entity.

133. This affiliation with Disney's merchandise and media sectors instead of with its Parks is one reason why Disneyland Paris was initially unsuccessful: Europeans associated Disney with its products and entertainment rather than with its vacation opportunities, and thought Disney's "theme park" was merely an overpriced fair. *The Kingdom Inside a Republic (New Management Strategy at Euro Disney)*, *ECONOMIST* (US), Apr. 13, 1996, at 66-67.

134. See *supra* text accompanying notes 130-31 (discussing Disney as a brand empire).

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nostalgic affiliation with Disney—their memories of Disney make them feel connected to it.<sup>135</sup> Disney is a repeat player in many of its guest negotiations, and presumably, most of the guests returning to WDW feel in some way affiliated with Disney. This is particularly the case because

Disney tends to redefine and remarket itself every five or ten years, [so] we can all visit Disney World and discover some nostalgic connection to our childhoods. Disney World might be thought of as an immense nostalgia machine whose staging and specific attractions are generationally coded to strike a chord with the various age categories of its guests.<sup>136</sup>

This reinvention means that guests of all ages can feel connected to Disney. Fulfilling guests' concern for affiliation by establishing an ongoing relationship with them aids Disney in its efforts to make WDW the HPOE.

Offering guests a variety of Disney merchandise (effectively “dress-up” clothing) is another way in which Disney appeals to guests' concern for affiliation. At WDW, grown men walk around with Goofy hats on, grandmothers wear Minnie Mouse ears, little boys dress as Captain Hook, and little girls parade down the street in full Cinderella costumes, complete with glass slippers.<sup>137</sup> Encouraging guests to dress as Disney characters helps guests to affiliate with Disney because it makes them *part* of Disney. Though few guests go about their “real” lives sporting cartoon ears,<sup>138</sup> at the HPOE they are part of the show, and being part of the show makes them feel more emotionally connected to Disney.

Perhaps a more significant method by which Disney meets guests' concern for affiliation is through the CMs. As a threshold matter, CMs minimize personal distance between themselves and guests by being constantly present and available for personal contact. From the greeter wearing a big Mickey Mouse<sup>139</sup> hand, waving at guests as they enter the Magic Kingdom through the bag check line, to the tram drivers who wish

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135. This type of nostalgic affiliation with WDW was strikingly evident for a guest who had visited WDW frequently because her parents lived nearby. When her mother passed away, returning to WDW was “good medicine” for her. She perceives WDW as a comfortable and familiar place to which she has an emotional connection. Interview with a guest, at Walt Disney World (Jan. 16, 2007).

136. THE PROJECT ON DISNEY, *supra* note 29, at 9-10.

137. See *Characters*, *supra* note 1.

138. One family explained the inevitable purchase of silly hats: “We’ll never wear them again, but we’re on vacation and we want to have a good time.” Dressing as the characters was part of having a good time because it made them feel more personally involved with WDW. Interview with a family of four guests, at Walt Disney World (Jan. 13, 2007).

139. See *Characters*, *supra* note 1.

guests a “magical evening” as they drop them off at their cars, CMs seek out personal contact. Cast Members are always present and happy to talk to guests in every area of the Resort. In addition, Transportation<sup>140</sup> CMs also frequently introduce themselves, thereby transforming an employee who drives the bus into a first-name-basis friend joining guests for a ride. This type of personal contact is crucial for Disney’s negotiating success because it puts real, human faces on what is otherwise an enormous, anonymous company. Following Fisher and Shapiro’s suggested negotiating strategy,<sup>141</sup> Disney maximizes the number of face-to-face interactions between CMs and guests, and thereby minimizes personal distance between them.

Moreover, these interactions are designed to encourage affiliation between CMs and guests. All CMs wear name tags with their first name and place of origin. Inviting guests to call CMs by their first names makes guests feel closer to the CMs and more able to connect with them on a personal level. Additionally, stating CMs’ hometowns on their name tags facilitates the creation of structural connections<sup>142</sup> between the CMs and the guests. This is an effective negotiation technique, as I discovered upon encountering a CM on Big Thunder Mountain Railroad<sup>143</sup> collecting FastPasses<sup>144</sup> whose tag said she came from the town next to mine. I was encouraged to strike up a conversation with her based on this connection, and found that she frequently visits my hometown. Finding a structural connection during a quick interchange (lasting no more than a minute) while I was in line for a ride left me with a smile on my face and feeling closer to Disney than I had prior to entering the line. Walt Disney World became a happier place for me because someone knew—if not me—at least where I come from, and sharing this familiarity with her made me feel almost as though I had a friend.

One perceptive, management-level CM commented upon the building of relationships with guests as a way in which he copes with guests’ negative emotions: When guests are upset, he tries to engage them and become friendly with them.<sup>145</sup> Encouraging the feeling of friendship to build affiliation is one of Disney’s negotiation strengths. This is evidenced by guests’ interactions with the Characters. The costumed CMs encourage guests to interact with them as friends by hugging them and posing with them for pictures. Disney even offers Character meals, where Characters

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140. See *infra* Appendix A.

141. FISHER & SHAPIRO, *supra* note 22, at 61.

142. *Id.* at 54-56; see also *infra* Appendix B.

143. See *Attractions*, *supra* note 1.

144. See *infra* Appendix A for an explanation of the FastPass system.

145. Interview with an Epcot Cast Member, at Walt Disney World (Jan. 14, 2007).

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greet guests at their tables, offering hugs and kisses and innumerable photo opportunities.<sup>146</sup> While the Characters do not speak, their body language conveys every indication of a personal connection between them and the guests. Guests feel affiliated with the Characters because of having watched Disney characters' films and purchased their toys, and the Characters reciprocate that sense of affiliation by treating guests as intimates, playfully teasing them and "commenting" on their personal lives.<sup>147</sup> The Characters' mute negotiations with guests contribute significantly to WDW's being the HPOE because they make guests feel as though WDW is full of their intimate friends. By being so deliberately and immediately intimate with guests, CMs fill guests' need for affiliation.

It is important to note, however, that though CMs sometimes reduce personal distance to the point of nonexistence, they are careful to respect personal boundaries and not to force guests to become more intimate than they are comfortable being. For instance, though CMs wear name tags bearing their first names and hometowns, they consistently address guests as "Sir" and "Ma'am" unless encouraged to do otherwise.<sup>148</sup> While CMs always smiled as I approached and were always willing to talk to me—even about their personal lives outside of Disney—after I struck up a conversation, they almost never initiated a conversation with me by asking for my personal details.<sup>149</sup> Interestingly also, CMs were never the first to end the conversation—they continued speaking with me until I indicated that the conversation was over. The import of the CMs' negotiation style with respect to affiliation was that they were friendly, but careful to relate with me on terms with which I was comfortable. They were receptive to establishing a personal connection, but comported themselves so as to avoid offending guests who wished to maintain greater emotional distance than I did. The Disney term "aggressively friendly" notwithstanding, CMs'

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146. As Fisher and Shapiro note, hugs and kisses are physical signals of emotional closeness. FISHER & SHAPIRO, *supra* note 22, at 61.

147. Notably, Chip and Dale teased one teenage boy dining with his parents and younger sister by removing his hat, turning it inside out, replacing it, and patting him on his head before posing for the camera. Captain Hook repeatedly attempted to "steal" my earrings. Pluto has a penchant for licking unsuspecting fathers. And when I attended a Character dinner, every single Character pointed to the empty seat across from me and raised his arms in a gesture that screamed, "Why are you all alone? Where is your date?" before coming around the table and smothering me in hugs. *See Characters, supra* note 1.

148. An exception is made to this general rule when guests are wearing celebratory buttons. *See infra* text accompanying notes 184-85.

149. The exception was an occasional question where I came from.

negotiation style contributes to establishing the HPOE because it invites emotional contact to the extent that it meets guests' need for affiliation, but does not push it to the extent that it becomes intrusive and disaffiliating.

## 2. Autonomy

Autonomy is a difficult concern to meet in the context of a theme park such as WDW, where guests pay to be provided with consistent, familiar entertainment and attractions that numerous others want to experience at exactly the same time. To stimulate positive emotions so as to make WDW the HPOE, Disney must strive to avoid impinging upon guests' autonomy.<sup>150</sup> An obvious challenge to fulfilling guests' concern for autonomy is that Disney is negotiating simultaneously with thousands of guests, many of whom have competing autonomy concerns. Certain impingements upon guests' autonomy are unavoidable; that is, no guest can reasonably expect to visit WDW and be able to ride any ride of his choosing without waiting in a line. Waiting one's turn is part of the theme park experience. Nor can a guest expect to dictate that his favorite ride not be closed for refurbishment during his visit.<sup>151</sup> What Disney can—and does—do is maximize the number of ways in which guests can customize their experiences to their liking, thereby meeting their need for autonomy.

Disney expands guests' autonomy at a threshold level by providing a plethora of different types of experiences for guests to choose when visiting WDW. For example, not only can guests ride rides and watch parades and street shows, but golfers can play golf, shoppers can shop, beach lovers can lounge in the sun at the lake-side hotels,<sup>152</sup> racing enthusiasts can drive race cars at the Richard Petty Driving Experience,<sup>153</sup> water park fans can visit WDW's two water parks,<sup>154</sup> animal lovers can embark on African safaris,<sup>155</sup>

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150. See FISHER & SHAPIRO, *supra* note 22, at 74-75.

151. See *infra* text accompanying notes 369-72 (discussing the emotional implications of refurbishment).

152. For example, Disney's Caribbean Beach Resort or Disney's Grand Floridian Resort & Spa. See *Accommodations*, WALT DISNEY WORLD, <http://disneyworld.disney.com/resorts/> (last visited July 11, 2012).

153. See *Richard Petty Driving Experience: Sports and Recreation at Walt Disney World Resort*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/recreation/richard-petty-driving-experience/> (last visited July 13, 2012).

154. Disney's Blizzard Beach and Disney's Typhoon Lagoon. See *Water Parks*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/water-parks/> (last visited July 13, 2012).

155. At the Animal Kingdom and Disney's Animal Kingdom Lodge. See *Accommodations*, *supra* note 152.

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gardeners can learn about horticulture,<sup>156</sup> gourmands can choose from every imaginable cuisine, and club-goers can dance the night away.<sup>157</sup> In other words, while the Parks may feature carefully scripted rides that offer guests little in the way of choice, guests are nonetheless free to choose the type of entertainment they care to enjoy while visiting WDW. Disney meets guests' concern for autonomy first by providing them with a breadth of options, both in the nature of Park they choose to visit, and also in the activities they select while at the chosen Park.

Disney strives to expand guests' autonomy inside the Parks as well. A primary method by which Disney accomplishes this is by helping guests to manage their time. Displayed at the entrance of each ride is the expected wait time.<sup>158</sup> Posting the wait time is important because it allows guests to choose whether to devote that amount of time to standing in the line. Disney expands guests' autonomy by providing them with input so they have an informed basis for making their decision about how to spend their time. However, when the Park is busy, merely informing guests of their expected wait is insufficient, as many guests would wait as long as it takes to ride their favorite rides. The FastPass system enables guests to manage their time at the Park by allowing them to decide which lines to wait in and which to bypass with a FastPass. For an experience in which long waits are an unavoidable impingement upon guests' autonomy, the ability to make a "reservation" for rides is an important technique Disney employs to respond to guests' concern for autonomy.

The expansive autonomy WDW offers is particularly notable for the youngest guests. At WDW, kids can lead their parents and dictate which rides the family will ride. Children are treated as full-fledged citizens of

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156. At Epcot's "Behind the Seeds" tour or by visiting Epcot during the spring Epcot International Flower & Garden Festival. See *Behind the Seeds at Epcot: Tours and Special Experiences at Walt Disney World Resort*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/tours-and-experiences/behind-the-seeds/> (last visited July 13, 2012); see also *Epcot International Flower & Garden Festival: Special Event at Epcot*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/parks/epcot/special-events/epcot-international-flower-and-garden-festival/> (last visited July 13, 2012).

157. At the Atlantic Dance Hall on Disney's BoardWalk. See *Disney's BoardWalk Area*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/destinations/disneys-boardwalk/> (last visited July 13, 2012).

158. Disney keeps these posted times accurate by having the CM at the ride's entrance ask some guests to carry through the line a time card electronically stamped with the time the guests entered the line, which the CM at the head of the line collects from the guests and swipes into the system, thereby clocking the amount of time the guests spent in line.

WDW, with their own special menus and places of recreation.<sup>159</sup> Because Disney creates a safe and entirely family-friendly world for its guests, children have a breadth of options unavailable to them in their ordinary lives. Added to the fact that a trip to WDW is a vacation from school and from parental decrees beginning with, “as long as you’re under my roof,” Disney provides most thoroughly for the autonomy of young guests by presenting them with an environment in which children are valid decision makers.

Disney serves guests’ concern for autonomy also from another perspective. As Fisher and Shapiro note, having expansive autonomy, with numerous choices and decisions to make, can also stimulate negative emotions.<sup>160</sup> And as mentioned above, WDW is replete with choices for guests to make—regarding places and styles of entertainment, specific attractions, and even types of snacks.<sup>161</sup> Disney’s occasional narrowing down of the possible options is a means for supplying guests with a desirable degree of autonomy.<sup>162</sup> In this sense, the predetermined, prepackaged, and thoroughly controlled nature of the Park has positive aspects. Not only does Disney’s careful scripting ensure that each guest has a consistent experience (which minimizes guests’ disappointment and reinforces their nostalgia), but it also frees guests from having to make some decisions. After opting to ride Pirates of the Caribbean, guests do not have to decide what song the pirates will be singing or worry whether they will miss seeing the cannons fire as they go past. Faced with innumerable decisions in their daily lives and constantly required to shape their own entertainment, guests derive a certain measure of autonomy precisely from the fact that Disney impinges to an extent upon their autonomy. Guests make the active choice to come to WDW and to give themselves over to Disney for a short span; the fact that Disney assumes some control over their time in the Parks is precisely why they consider WDW to be the HPOE.

On the second level of guests’ negotiations with Disney, they find that CMs also expand their autonomy. As one ten-year veteran CM put it,

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159. This has implications for children’s status and role as factors in WDW’s being the HPOE. See *infra* Part III.A.

160. See FISHER & SHAPIRO, *supra* note 22, at 81.

161. Faced with the difficult snack decision myself, I narrowed it down to my three favorites: a soft pretzel, ice cream, or a chocolate-covered caramel apple. I remarked upon the difficulty of the choice to a CM with whom I was chatting and asked his advice. “Well,” he hedged, “it depends upon what you’re in the mood for.” Feeling the burden of excessive autonomy, I opted for the apple, if only because I had already had the other two treats on the previous days. I walked away from the exchange slightly annoyed by his unhelpful, albeit diplomatic, response, since I had hoped to delegate some of my autonomy to him. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 17, 2006).

162. See FISHER & SHAPIRO, *supra* note 22, at 82.



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dealing with guests is “easy. Just give them space.”<sup>163</sup> Cast Members are quite attune to providing guests with the freedom to enjoy WDW as they choose, and seemingly endeavor not to place any restrictions upon guests that are not necessary for reasons of safety or Park functioning.<sup>164</sup> For example, when my mother picked up a Stitch<sup>165</sup> headband from a vendor’s kiosk and tried it on, the CM vendor not only permitted her to frolic around while wearing it, but even led her over to a distant window so that she could see how she looked. Moreover, when Space Mountain had to be shut down temporarily for an impromptu safety check, the CMs gave us the option of staying in line and sitting in place for the twenty-or-so minutes it might take to get the ride back in operation. And when a CM at Guest Relations<sup>166</sup> realized that she would have to place several phone calls to fulfill my special dining request, she offered me the option of calling my cell phone with the answer, rather than making me wait at her desk and miss time in the Park. While these may seem like trivial instances, they are indications that Disney instructs CMs to expand guests’ autonomy to the extent possible, which helps to make WDW the HPOE. In both the Resort environment and in the CMs’ interactions with guests, Disney meets guests’ concern for autonomy to a satisfying, but not overwhelming, extent.

### 3. Status

Disney is unique in its efficacy in appreciating guests’ status throughout its negotiations with them. At WDW, Disney does a masterful job of making each guest feel that his social status<sup>167</sup> is high, yet also manages to equalize guests’ social status at the Resort to a great extent. That is, Disney makes every guest feel as though he is someone special. As one CM phrased it, a CM’s job is to make each guest feel like the “most important person” in the Park.<sup>168</sup> Cast Members create this feeling in part by devoting their full attention to guests when they interact. Attention to guests is so important that when my mother apologized for monopolizing too much of

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163. Interview with an Epcot Cast Member, at Walt Disney World (Jan. 14, 2006).

164. Examples of such necessary restrictions are the admonishments to keep hands and arms inside the rides while they operate, the insistence that guests form lines and wait their turn for rides, and the limitations imposed by the Parks’ operating hours.

165. See *Characters*, *supra* note 1.

166. See *infra* Appendix A.

167. See FISHER & SHAPIRO, *supra* note 22, at 96; see also *infra* Appendix B.

168. Interview with a Hollywood Studios Cast Member, at Walt Disney World (Jan. 15, 2007).

one CM's time and distracting her from her shop, the CM replied that her supervisor would be pleased if she did nothing but talk to my mother for the whole day—her main priority as a CM is guest interaction.<sup>169</sup>

Establishing guest service as CMs' top priority indicates that guests have high social status at WDW, as does CMs' style of interacting with guests. When I encountered a CM at least thirty years my senior in a tight aisle of a store, he backed out of the aisle so that my passage would not be inconvenienced. Moreover, though CMs introduce themselves by—and wear name tags bearing—their first names, they address guests as “Ma’am” or “Sir,” or by title and last name, unless encouraged by the guests to use their first names.<sup>170</sup> Cast Members' use of title and last name when addressing guests is a sign of respect that indicates guests' higher social status at WDW.<sup>171</sup>

While Disney endeavors to make guests feel as though their social status is high, it also creates an atmosphere that suggests that all guests' social status is *equally* high. At WDW, every guest is a “VIP” who receives special treatment; those guests of higher social status outside of WDW are quietly termed “PXs” by CMs:

We're not supposed to single any guest out above any other guest. If we happen to be in a guest area, we say PX because other guests don't know what we're talking about with PX. . . . It's so we can single out the very important people without making the VIP regulars seem regular.<sup>172</sup>

Equalizing guests' status is more than a mere linguistic pursuit. One method Disney employs to minimize social status distinctions among guests is to provide access to as many Resort facilities as possible to all guests, regardless of which hotel they are staying in, or whether they are staying on the property at all.<sup>173</sup> For example, all guests have equal access to each hotel's restaurants, and everyone—even guests staying off-site—can use the transportation system free of charge.<sup>174</sup> Disney draws distinctions between guests only in use of such facilities as pools, exercise equipment, and Extra Magic Hours.<sup>175</sup> Since the Resort hotels vary greatly in price,<sup>176</sup> granting

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169. Interview with a Hollywood Studios Cast Member, at Walt Disney World (Jan. 15, 2007).

170. This courtesy is combined with the fact that CMs typically do not enter into personal conversations unless invited to do so first by guests. However, CMs do use guests' first names when guests are wearing celebratory buttons. *See supra* note 148; *see also infra* text accompanying notes 184-85.

171. *See FISHER & SHAPIRO, supra* note 22, at 97-98.

172. THE PROJECT ON DISNEY, *supra* note 29, at 146 (quoting “Kevin,” a food service CM).

173. *See Guest Services*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/guest-services/> (last visited July 12, 2012).

174. *See id.*

175. *See infra* Appendix A.

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access to all guests regardless of their chosen hotel location minimizes the social status distinctions between them.

Another important status equalizer is the accommodations made for the physically handicapped. Most areas are handicap-accessible, and even guests in need of wheelchairs can ride all the rides.<sup>177</sup> Disney's commitment to equal status for handicapped guests became clear as I watched a German Shepherd guide dog lead his owner onto Pirates of the Caribbean. The extent to which Disney minimizes distinctions between its guests contributes to WDW's being the HPOE for everyone, not just for the wealthy or physically fit.

Children in particular enjoy high social status at WDW. The fact that WDW is a family-friendly environment, in which bad language, sex, alcohol, and horror have little or no place, is a testament to the fact that Disney respects kids as high status guests. Further, Disney provides children with entertainment opportunities uniquely their own, such as the Bibbidi Bobbidi Boutique, which gives guests aged three through twelve a princess or knight makeover complete with hair styling and costume.<sup>178</sup> Cast Members also make special efforts to recognize kids as important guests. When a Character approaches a family, he immediately gravitates to and interacts with the children. Parents typically are merely the picture-takers or buffoons for their children's enjoyment.<sup>179</sup> Another example of CMs' elevating children's status is the Character dinner in one Magic Kingdom restaurant, in which Tigger<sup>180</sup> led a parade of children throughout the restaurant while a song with the refrain "It's your special day!" played in the background. For children, one of the reasons that WDW is the HPOE is because their social status there is higher than it is in their everyday lives.

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176. Disney "value" hotels start at \$84 per night, "moderate" hotels start at \$159 per night, and "deluxe" resorts start at \$265 per night. See *Accommodations*, *supra* note 152. By means of contrast, the off-site motel I stayed in during a research trip to WDW was \$45 per night.

177. Guests may have to transfer from wheelchairs on some of the rides. Disney devotes an entire section of WDW's website to guests with disabilities. See *Guests with Disabilities*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/wdw/common/Plain?id=PlainHomePage> (last visited Jan. 22, 2007).

178. See *Bibbidi Bobbidi Boutique*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/tours-and-experiences/bibbidi-bobbidi-boutique/> (last visited July 11, 2012).

179. For example, Pluto likes to lick fathers' heads for their children's amusement. One caveat is that sometimes very young children do not trust the Characters, in which case the CMs interact first with the parents so that the kids can see that the Characters are safe and friendly.

180. See *Characters*, *supra* note 1.

While Disney strives to minimize social status distinctions among its guests, it also employs myriad techniques for recognizing guests' particular status.<sup>181</sup> Fisher and Shapiro refer to particular status as high standing in terms of one's expertise, experience, or education,<sup>182</sup> but Disney recognizes a variation on this concept, one that focuses upon life events such as weddings, anniversaries, and birthdays. Recently-married guests who purchase matching Mickey Mouse<sup>183</sup> and Minnie Mouse ears, his with a top hat and hers with a veil, are greeted with calls of "Congratulations!" by CMs. When I told a CM that my family was celebrating my brother's engagement, she had our server bring two complimentary flutes of champagne for the engaged couple. Likewise, couples celebrating their anniversary can obtain free buttons to announce their special occasion.<sup>184</sup> First-time guests can receive buttons proclaiming "1st Visit!" and birthday celebrants can get buttons emblazoned with "Happy Birthday!"<sup>185</sup> Whenever a CM sees a guest with a special button, he congratulates the guest on the special occasion—by name, if the name is written on the button. Birthdays are a particular Disney specialty: One guest visiting WDW for her eighteenth birthday found a cake, balloon, and card signed by Prince Charming<sup>186</sup> awaiting her in her hotel room. Another received a special menu with "Happy Birthday, Melody!" written at the top as a souvenir of her birthday dinner. And at my last Disney birthday dinner, I found my table covered in Mickey Mouse glitter and was treated to a complimentary, specially made dessert with "Happy birthday, Lauren" written in chocolate on the rim of the plate. Recognizing guests' important events in these ways increases their particular status, thereby stimulating positive emotions. And by means of this constant celebration, WDW moves closer toward being the HPOE.

As evidenced by Disney's form of recognizing particular status, when Disney does draw distinctions between guests' status levels, it does so in ways that make achieving relatively higher status equally attainable for all guests. Celebrating life events that everyone has, such as birthdays, is one way in which Disney increases individual guests' status without making other guests feel relatively worse off. Another method is making it possible for all guests to achieve positions of higher status on a first-come, first-

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181. See FISHER & SHAPIRO, *supra* note 22, at 99-100; see also *infra* Appendix B.

182. FISHER & SHAPIRO, *supra* note 22, at 99.

183. See *Characters*, *supra* note 1.

184. See *Celebrate Your Special Occasion*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/celebrations/> (last visited July 11, 2012).

185. See *id.*

186. See *Characters*, *supra* note 1.

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served basis, upon the guests' requests. For example, at the Magic Kingdom each morning a "Family of the Day" is randomly selected from amongst the guests waiting to enter the Park.<sup>187</sup> This family gets to enter before any other guests and enjoys a brief private tour with the Characters before the Park's gates officially open to all guests.<sup>188</sup>

A third technique Disney employs is granting high status on a random basis. For instance, during one research trip to WDW in 2007 I saw several guests walking around the Parks with purple badges entitled "Dream FastPass" hanging around their necks. These badges included a FastPass for every ride in the Park that accepted FastPasses. When I inquired how they obtained them, the guests told me it was random; CMs had simply given them the badges. On another occasion, while I waited in line for the Mickey's PhilharMagic attraction,<sup>189</sup> a CM called all the guests to attention and introduced a family of "special guest musicians" who would be treating us to a rendition of "Beethoven's Piano Concerto Number 19 in D Minor!"<sup>190</sup> The CM gave the family maracas, cymbals, a tambourine, and a bongo drum, and the waiting guests listened politely to fifteen seconds of cacophony. When they concluded, we all applauded vigorously. The CM had elevated their status in a way that delighted the chosen family, but did not make the other guests feel inferior because we knew that we too could be chosen the next time. Disney's efforts to make individual guests feel special increase guests' happiness as a whole because these efforts are made in a way that reassures guests that the next opportunity to enjoy elevated status could be theirs. As a result, not only the individual guests who are singled out for attention, but rather the entire populace of guests, experience the positive emotions of hope, optimism, and favorable anticipation. All of these emotions contribute to WDW's being the HPOE.

Drawing these observations together, Disney's approach to status is constructive in its simultaneous negotiations with thousands of guests because it minimizes the outside world's social status distinctions and

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187. Telephone interview with a Magic Kingdom Cast Member (July 11, 2012).

188. *Id.* The other Parks have "Family of the Day" experiences as well. *Id.* Another example is rides in the monorail cockpit, which guests were able to request on a first-come, first-served basis until a 2009 monorail accident led Disney to discontinue this practice. See Peggy Macdonald-Demosthenous, *Disney World Denies Responsibility for Fatal Monorail Crash, Requests Trial by Jury*, EXAMINER (Mar. 23, 2010), <http://www.examiner.com/article/disney-world-denies-responsibility-for-fatal-monorail-crash-requests-trial-by-jury>.

189. See *Attractions*, *supra* note 1.

190. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 2007).

replaces them with its own version of nonpreferential recognitions of particular status. All guests are treated as being of high social status, which is reinforced in comparison with CMs' lower status. When Disney singles out individual guests for status recognitions, it does so in a way that stresses equal opportunity for elevated status. Disney's treatment of guests' status stimulates positive emotions by making them feel important and special, and gives them hope that their turn to experience relatively higher status will be next.

#### 4. Role

In accordance with Walt Disney's original vision for Disneyland,<sup>191</sup> Disney has always perceived the role of its customers to be that of valued guests. Disney instructs its CMs that every time they are in the public view and in contact with guests they are "on stage,"<sup>192</sup> and their performance in the Park is for the guests' benefit. Guests who visit WDW play a variety of conventional roles<sup>193</sup> in their everyday lives—they are parents, children, employees, students, and homemakers. The level of fulfillment the guests derive from these roles varies. Some view the trip to WDW as an enjoyable addition to other activities within their conventional role, while others see it as a welcome escape from their role's daily demands. Part of the allure of WDW, and part of what makes it the HPOE, is that it allows visitors to choose more fulfilling temporary roles<sup>194</sup> during their vacations than they adopt in their ordinary lives.

At WDW, visitors play the temporary roles of vacationers and of guests. They are free from many of the activities that define their conventional roles. Their responsibilities consist primarily of enjoying themselves and spending time with their families or friends. Disney reinforces these roles by minimizing guests' responsibilities as much as possible. For instance, rather than worry about renting a car to drive to WDW from the airport, guests can take advantage of Disney's "Magical Express" service, which picks up guests and their luggage upon arrival at the airport and drops them off at the airport at the end of their stay.<sup>195</sup> So that adult guests do not have to play the role of responsible drivers, Disney provides complimentary transportation

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191. See *infra* text accompanying note 254.

192. See THE PROJECT ON DISNEY, *supra* note 29, at 114 (internal quotations omitted); see also *infra* Appendix A.

193. See FISHER & SHAPIRO, *supra* note 22, at 118; see also Appendix B.

194. See FISHER & SHAPIRO, *supra* note 22, at 118; see also *infra* Appendix B.

195. See *Complimentary Airport Transportation*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/planning-guides/in-depth-advice/airport-service/> (last visited Sept. 18, 2011).

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between every point on the Resort property.<sup>196</sup> Even guests who love to shop do not bear the burden of their preferred activity: Disney's package delivery service relieves guests of having to carry their purchases through the Park by delivering the items directly to their hotel rooms.<sup>197</sup> The role of guest, unencumbered by responsibilities and encouraged to play, perhaps accounts for why a large number of honeymooners and other adult couples visit WDW.

The aforementioned "dress-up" options that Disney offers to guests<sup>198</sup> make guests' role at WDW more fulfilling. Not only can little girls and boys meet their favorite princesses and pirates, but they can even dress up as one and play that role themselves.<sup>199</sup> This type of role play makes guests' roles at WDW more fulfilling because it enables them to be part of the entertainment, not merely to experience it. Disney helps guests to imagine that they are living the fairy tale. In doing so, Disney creates the HPOE because it enables guests to adopt the roles that they wish they could play in "real" life, and encourages them to believe that they can attain their dream roles.<sup>200</sup> Consistent with this, Disney's theme for 2007 was the "Year of a Million Dreams,"<sup>201</sup> during which time all the entertainment centered around the concept that guests can dream about the roles and activities they would like their lives to incorporate, and that those dreams can come true. Walt Disney World is the HPOE because it encourages guests to contemplate their

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196. See *Complimentary Resort Transportation*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/planning-guides/in-depth-advice/resort-transportation/> (last visited Sept. 18, 2011).

197. See *Guest Services: Package Pick-Up*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/guest-services/package-pickup/> (last visited Sept. 18, 2011).

198. See *supra* text accompanying 137-38.

199. This was particularly the case at Disney's Pirate and Princess Party, held at the Magic Kingdom on certain days from January through March 2007. Guests were encouraged to dress as pirates or princesses, and were offered the opportunity to meet pirates and princesses from Disney films and to go on a quest for treasure throughout the Park.

200. For instance, the current show performed several times daily in front of the Castle in the Magic Kingdom is entitled "Dream-Along With Mickey." It features a cast of Characters imagining and then acting out the roles that they would like to play (e.g., Donald Duck becomes a pirate and Minnie Mouse becomes a princess). See *Dream-Along with Mickey: Entertainment at Magic Kingdom Park*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/parks/magic-kingdom/entertainment/dream-along-with-mickey/> (last visited Sept. 18, 2011).

201. Press Release, The Walt Disney Co., During 'Year of a Million Dreams' Celebration Disney Cast Members to Award a Million Magical Dreams (June 7, 2006), available at [http://corporate.disney.go.com/news/corporate/2006/2006\\_0607\\_disneywheredreams.html](http://corporate.disney.go.com/news/corporate/2006/2006_0607_disneywheredreams.html) [hereinafter Press Release].

dream roles and reinforces the belief that they can adopt those roles in their everyday lives.

Another element of Disney's helping guests to play a fulfilling role at WDW is Disney's and the CMs' providing guests with the opportunity to experiment with role reversal: Children perform the activities of adults, while adults can revert to being children. For instance, children can perform the "grown-up" tasks of driving a car (at the Tomorrowland Speedway<sup>202</sup>), piloting a space mission (at Mission: SPACE<sup>203</sup>), or choosing their own meals (since all of the restaurants have special children's menus or children's buffet lines). If their parents connect a credit card to their room keys, children can even charge purchases throughout the Resort.<sup>204</sup> On the other hand, adults are permitted to be children, free from the social constraints imposed by their conventional roles. Several tables at the Character meals I attended were occupied by adults with no children, and their cries of, "Gooooooofy!!!" as the Character drew near their table were every bit as enthusiastic as those of the four-year-olds seated nearby. Adults are encouraged to frolic and play, to ride rides, and to cuddle with the Characters.<sup>205</sup> Disney's technique of encouraging guests to interact with the Characters as friends<sup>206</sup> makes the guests' role more fulfilling than if the CMs were instructed to treat guests like strangers, and thereby contributes to their happiness. Perhaps the consummate example of role reversal was the interaction between a CM and three adult guests at a Magic Kingdom restaurant and ice cream parlor: When the CM handed one of the guests a dinner menu, the guest smiled and said, "Nope! We're having ice cream for dinner!"<sup>207</sup>

Cast Members encourage guests to find pleasure in their roles by reminding them that visitors are invited to play the role of guests whose happiness is the CMs' paramount consideration. One guest explained that she went to Guest Relations to report a problem during her visit to WDW because "that's what they [the Guest Relations CMs] are there for; I was not

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202. See *Attractions*, *supra* note 1.

203. See *Attractions*, *supra* note 1.

204. "I'll pay for dinner," one seven-year-old girl told her parents as she handed her room key to the waitress.

205. Some adult guests are so excited about meeting and interacting with the Characters that it becomes dangerous for the CMs. According to one CM, Disney does not offer "meet-and-greets" with the CM playing Captain Jack Sparrow because the women were overly enthusiastic and the CM feared getting injured. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 2007). See *infra* Appendix A.

206. See *supra* text accompanying notes 146-47 (discussing this as a technique for building affiliation).

207. Interview with a Magic Kingdom guest, at Walt Disney World (Oct. 24, 2006).



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*happy*, and it's their job to make me *happy*.”<sup>208</sup> Upon arriving at Guest Relations, the guest told the CM that she was there to complain, and suggested that the CM might want to delegate the chore of speaking to her to a supervisor. In response, the CM replied, “No, that's what I'm here for!”<sup>209</sup> And in overcoming my own hesitance to interview CMs, I reminded myself that one of the activities in CMs' conventional role as Disney employees is to talk to the guests; as expected, every CM was gracious in speaking to me, and my perception of my role as guest was reinforced. While a guest might hesitate to stop a stranger on the street to ask for directions in everyday life, at WDW, it is not only permitted for one playing the role of a guest to do so, it is actually expected. Perceiving that the CMs are there for the guests' service makes the role of guest more fulfilling by reducing guests' responsibilities while at WDW.<sup>210</sup> Disney presents WDW as the HPOE because it casts guests in a role within which the main activity is seeking happiness and because it provides CMs to reinforce that role.<sup>211</sup>

In sum, Disney places visitors to WDW firmly in the role of valued guests who are free from responsibility and are encouraged to enjoy themselves to the fullest. Guests are invited to be part of Disney's cast by dressing as characters. Adults and children are offered the opportunity to experience role reversals. Cast Members reinforce guests' role by reminding guests during their interactions that CMs are there to be helpful and to enhance guests' visits to the Resort. Disney helps guests to adopt a fulfilling role by offering them an experience wholly contrary to what they experience in everyday life.

## 5. Appreciation

As one eight-year veteran CM commented, the key to interacting with guests “is listening, because if you don't know what the problem is, you

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208. Interview with a Hollywood Studios guest, at Walt Disney World (Jan. 15, 2007).

209. Interview with a Hollywood Studios Guest Relations Cast Member, at Walt Disney World (Jan. 15, 2007).

210. From the CMs' perspective, however, this perception can stimulate negative emotions because of the negative implications for the CMs' concern for status. See *infra* text accompanying notes 343-44.

211. Another indication of this is the various “volleyball” games in which CMs were seen engaging with young children throughout the Parks. Two CMs on Main Street were surrounded by seven children and volleyed a beach ball back and forth with them as though that were their entire job function. In a way, this *was* one of the main activities associated with the CMs' role: A group of young guests wanted to play, and the CMs were there to facilitate that play.

can't help to fix it."<sup>212</sup> This CM's remark exemplifies Disney's approach to appreciating its guests: It *listens* to their concerns.<sup>213</sup> Listening to guests is the first step toward appreciating guests by (1) understanding their point of view, (2) finding merit in what they think, and (3) communicating understanding through words or actions.<sup>214</sup>

Disney utilizes an infrastructure of formal and informal means of soliciting guests' opinions to understand their concerns. Surveys are a prominent feature of Disney's technique for soliciting guest feedback. Guests who call Disney's restaurant reservation number are sometimes asked to participate in a survey following the call, in which they can rate the CM reservationist's helpfulness and courtesy. Additionally, Disney posts some CMs near the entrances of the Parks, whose task is to ask incoming guests about their reasons for coming to WDW and their ideas for Disney improvements. Surveys are an important tool for Disney because they enable the Company to "listen" to guests in a systematic and comprehensive way. When guests have either a complaint or an accolade to communicate, CMs hand out contact information for Guest Communications,<sup>215</sup> to which guests can write or email their comments, complaints, and suggestions,

Along with these more formal mechanisms, Disney gains understanding of its guests through the CMs. Whenever a guest requests something from a CM (e.g., a Park map at a particular location in the Park), the CM makes note of that request and reports it to his supervisor. If enough guests make the same request, Disney makes the appropriate responsive changes.<sup>216</sup> Disney's willingness to make changes based on guest feedback sets it apart from other companies, according to CMs. One CM reported that he left Universal Studios to come to WDW because of the difference he perceived in the companies' attitudes: At Universal Studios, the concern was doing things the company's way, whether or not it was the "right" way. In contrast, Disney's concern is meeting the guests' needs, even if it requires a change of policy.<sup>217</sup> An example of Disney's demonstration of its

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212. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 2007).

213. While CMs do well at listening, they sometimes falter at understanding the guests' emotional needs because they focus strongly upon problem-solving. See *infra* Part V.A.3.

214. FISHER & SHAPIRO, *supra* note 22, at 51.

215. See *infra* Appendix A. Two points about these cards are particularly interesting. First, they do not provide a telephone number for Guest Communications. Second, one CM confided that this is the *only* contact information that CMs are able to provide to guests. Interview with a concierge Cast Member, at Walt Disney World (Jan. 14, 2007). The difficulty of contacting Disney in any way other than writing an email or letter to Guest Communications calls into question the effectiveness of Disney's efforts to appreciate guest concerns. See *infra* Part V.A.2.

216. CONNELLAN, *supra* note 64, at 79.

217. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 2007).

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understanding of guest concerns can be found in Disney's Pirate and Princess Party.<sup>218</sup> So many guests reported being disappointed at not being able to meet and take pictures with Captain Jack Sparrow at the Magic Kingdom that Disney decided to have him host the party and do meet-and-greets with guests.<sup>219</sup> Disney is also brainstorming options for a Character greeting with Captain Jack Sparrow that will keep the CM safe, but will still allow guests to interact with him.<sup>220</sup> Disney expresses appreciation of its guests by soliciting their feedback, recognizing the value in the guests' suggestions, and expressing understanding of their concerns by making changes at the Resort.<sup>221</sup>

Even more directly than the Company, CMs have the opportunity to meet guests' concern for appreciation. When asked for advice on how to deal with difficult guests, one long-time CM said, "It's easy. You talk *to* them, not *at* them."<sup>222</sup> As this CM recognized, understanding guests' points of view usually involves giving them the chance to explain how they see the situation, not simply delivering to them a pre-packaged answer based upon a CM's own assumptions.<sup>223</sup> Like him, most CMs recognize that guests want to be heard and are willing to listen, but not to the point of being exploited. One Guest Relations CM said that in the course of his work, he hears every type of question and complaint.<sup>224</sup> His strategy for negotiating with disgruntled guests is to listen to what they have to say, to assess the situation to determine whether they are lying or whether their story is legitimate, and

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218. See *supra* note 199.

219. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 2007) [hereinafter Interview note 219]; see also *supra* note 199. The reason behind Disney's not allowing regular meet-and-greets with Captain Jack Sparrow is the physical danger in which overly enthusiastic female guests placed the CM playing him. See *supra* note 205.

220. See Interview note 219.

221. The implementation of the FastPass system is another salient example: Disney understood guests' complaints about not being able to visit many attractions because of the long lines, it recognized that was a valid concern, and it expressed understanding by creating FastPasses so guests can minimize the time waiting in line for the most popular attractions.

222. Interview with an Epcot Cast Member, at Walt Disney World (Jan. 14, 2007).

223. See FISHER & SHAPIRO, *supra* note 22, at 28.

224. Some examples he gave were guests who demanded a full refund of their ticket (currently \$85 for an adult's basic, one-day, one-Park ticket) because their "favorite" ride was closed for refurbishment, which he deemed less meritorious than those who wanted a refund because there were no rides or attractions at WDW (after learning that they had never wandered beyond Main Street and thought the Magic Kingdom contained only shops and restaurants). Interview with a Guest Relations Cast Member, at Walt Disney World (Jan. 16, 2007) [hereinafter Interview note 224]; see also THE WALT DISNEY COMPANY, FACT BOOK 2011, at 8 (Mar. 31, 2012), available at <http://cdn.media.ir.thewaltdisneycompany.com/2011/annual/2011-fact-book.pdf>.

then to do what is possible to improve the situation if the complaint has merit.<sup>225</sup> In other words, the CM's strategy is to meet the guests' concern for appreciation by understanding, finding merit, and communicating understanding through action.

Cast Members appreciate guests in more subtle ways as well. After my lunch with an Imagineer was cancelled,<sup>226</sup> my parents and I went to Guest Relations to complain. When we told our woeful tale to the CM, she began by apologizing and sympathizing with how disappointed we must be that our plans were ruined, and she responded by calling over to speak with the restaurant manager involved to see if she could rectify the situation. While this CM was powerless to repair our lunch plans, she mollified us by listening to our problem, recognizing that this experience upset us, and trying to fix it. She then spent no less than half an hour with us, helping us to weigh our dinner options given that our lunch plan was foiled. We felt appreciated because she demonstrated that she understood that the real reason we were speaking with her, rather than to tattle on the restaurant manager, was to resurrect some measure of the excitement with which we had been approaching the lunch.

Even more impressively, another CM listened to us explain how unhappy we were, and began chatting with us while the first CM was calling the restaurant. Finding her a sympathetic ear, my mother started explaining how my parents escape periodically to WDW because it is a happy place, and how trying on the Stitch headpiece the day before had made her smile. "And now," my mother lamented, "we've lost our smile." After hearing this, the CM excused herself and disappeared into the back room. When she returned, it was to hand to my mother an "autographed" picture of Lilo<sup>227</sup> and Stitch. In that instant, my mother's smile returned. This CM had listened to our story and heard the meta-message<sup>228</sup> buried within it: Having plans to dine with an Imagineer made us feel special, and when the plans fell through, we perceived a drastic drop in status. Presenting us with a special picture made us feel that the CM had appreciated our feeling of diminished status, and was communicating that understanding by helping us to feel special in another way.

Individual CMs' ability to appreciate guests helps to make WDW the HPOE, despite the fact that things go wrong at WDW, just as they do everywhere else. Without exception, every CM I talked to expressed the

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225. See Interview note 224.

226. See *infra* text accompanying notes 300-08.

227. See *Characters*, *supra* note 1.

228. See FISHER & SHAPIRO, *supra* note 22, at 29 (stating that sometimes one message is buried inside another); see also *infra* Appendix B.

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view that there are “difficult” or “challenging” questions, but not really “difficult guests.” This perception is a testament to the CMs’ ability to express appreciation of guests and to stimulate positive emotions, even when the initially problematic situation cannot be remedied. Encouraging CMs to interact with guests and to listen to their concerns is a crucial part of Disney’s negotiating strategy, without which WDW could surely not be the HPOE.

To summarize, Disney appreciates its guests both formally and informally. At the macro level, Disney appreciates guests by inviting and acting upon their feedback. At the micro level, Disney gains understanding of individual guests’ concerns through the CMs and communicates that understanding through the CMs’ words and actions. Disney negotiates to make WDW the HPOE by demonstrating genuine interest in guests’ points of view and by refining WDW to incorporate them.

### *B. Negotiations with Cast Members*

Like its negotiations with guests, Disney’s negotiations with CMs are bi-level: First, CMs negotiate with the Company as an entity, as their employer; the terms of employment and working conditions are aspects of the Company’s negotiations with the CMs. Second, CMs negotiate with Disney through its agents, their co-worker CMs. The extent to which Disney meets CMs’ Core Concerns through these negotiations determines, in large part, the CMs’ levels of happiness and job satisfaction. Considering WDW has an estimated workforce of nearly 60,000 CMs,<sup>229</sup> Disney’s ability to fulfill CMs’ Core Concerns is a significant factor in whether WDW can be considered the HPOE.

#### 1. Affiliation

Disney’s primary technique for building affiliation with CMs is by recruiting them through the Disney College Program (the College Program),<sup>230</sup> which recruits more than 3,000 students from the United States and other countries per year.<sup>231</sup> One CM estimated that more than half of

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229. See *Overview*, DISNEY CAREERS, <http://wdw.disneycareers.com/en/about-walt-disney-world-resort/overview/> (last visited July 11, 2012).

230. See *Disney College Program*, DISNEY CAREERS, <http://cp.disneycareers.com/en/default/> (last visited Sept. 16, 2011); see also *infra* Appendix A.

231. WASKO, *supra* note 46, at 92.

CMs join Disney after having participated in the College Program.<sup>232</sup> Cast Members laud the College Program as an opportunity to get to know Disney and to develop career networks for future job opportunities.<sup>233</sup> Moreover, the College Program is a method by which CMs create structural and personal connections with the Company and thereby build affiliation with Disney. Given this opportunity to “try out” working for Disney, CMs return for permanent positions because they feel a part of, and connected with, the Company.

Traditions training is another means by which Disney builds affiliation with the CMs. By communicating Disney’s traditions and values to CMs, Disney invites CMs to become part of the Disney culture. In effect, mandating CMs’ participation in Traditions enables Disney to create a structural connection with CMs in that they share a common business culture.<sup>234</sup> Disney reinforces this common culture by requiring CMs to wear uniforms and to adhere to certain standards of physical appearance.<sup>235</sup> Not only does a shared code of appearance create a sense of affiliation between CMs and the Company, but there is also some evidence to suggest that the wearing of uniforms, in itself, leads to an increase in display of positive emotions.<sup>236</sup> Disney’s development of a pervasive business culture is important in its negotiations with CMs because it establishes strong structural connections between the Company and the CMs.

Disney also meets CMs’ needs for affiliation by encouraging personal connections between the CMs. At a threshold level, Disney is a “first-name organization.”<sup>237</sup> Even Michael Eisner was addressed by his first name when he was Disney’s CEO.<sup>238</sup> Use of first names is a means of building connections between CMs as colleagues.<sup>239</sup> The lack of formality between CMs encourages them to connect at a more personal level than if their interactions were formal.

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232. Interview with a concierge Cast Member, at Walt Disney World (Jan. 13, 2007).

233. One CM artist attributed his present position to having participated in the College Program and having met various Disney artists and animators, who then offered him a permanent position. Interview with a Hollywood Studios Cast Member, at Walt Disney World (Jan. 15, 2007).

234. See *infra* Appendix B.

235. See *The Disney Look*, DISNEY CAREERS, <http://cp.disneycareers.com/en/about-disney-college-program/disney-look/> (last visited Sept. 16, 2011). Mandating strict personal appearance standards has negative implications for CMs’ autonomy. See *infra* Part IV.B; see also *infra* Appendix C.

236. See Anat Rafaeli, *When Clerks Meet Customers: A Test of Variables Related to Emotional Expressions on the Job*, 74 J. APPLIED PSYCHOL. 385, 391 (1989).

237. *The Disney Look*, *supra* note 235.

238. THE PROJECT ON DISNEY, *supra* note 29, at 125.

239. FISHER & SHAPIRO, *supra* note 22, at 57.

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In addition, CMs spend a great deal of time working together, which helps them to reduce their personal distance. According to a CM of three months, the CMs come to know the other CMs assigned to the same work group very well and associate as friends in their off-hours.<sup>240</sup> To encourage CMs to build affiliation amongst each other, Disney sponsors various intramural sports, clubs, workshops, and parties in which CMs can meet.<sup>241</sup> Helping CMs find personal connections with their co-workers is a means of meeting CMs' concern for affiliation.

Drawing these observations together, Cast Members develop a relationship with Disney through the Company's recruiting programs, most importantly the College Program. Disney strengthens CMs' sense of affiliation with the Company by creating a collective business culture, imparted through Traditions and maintained through requirements for personal conduct and appearance. Though CMs share the structural connection of working for Disney, they also develop personal connections through Disney's culture of familiarity and encouragement of off-hours interactions.

## 2. Autonomy

Disney meets CMs' need for autonomy first by providing a wide variety of job opportunities. Cast Members can choose their preferred area of employment within the Resort.<sup>242</sup> In addition, Disney offers various employment statuses, which include the options of "Casual Regular" (ongoing, but part-time) and "Casual Seasonal/CTS" (seasonal, but full-time) work, in addition to "Permanent Full Time" work.<sup>243</sup> These employment options can be a boon for retirees and other CMs who choose not to work full-time.<sup>244</sup> Disney also provides CMs with flexibility in taking vacation and sabbatical time to deal with their personal lives. One CM appreciated Disney's willingness to allow him to take an unscheduled

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240. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 2007). One caveat is that associating with the immediate work group tends to lead to CM cliquishness. *See infra* text accompanying notes 322-26.

241. The success of this initiative is debatable. *See infra* text accompanying notes 321-31.

242. For example, food service or hotel/hospitality. Interview with a concierge Cast Member, at Walt Disney World (Jan. 13, 2007).

243. THE PROJECT ON DISNEY, *supra* note 29, at 117-18. As Kuenz notes, less than full-time employment status can be a double edged sword, since job security and benefits may be lacking. *See id.* *See also infra* text accompanying notes 316-18.

244. Interview with a hotel Cast Member, at Walt Disney World (Jan. 16, 2007).

sabbatical when his mother became ill and to return to his position when she recovered.<sup>245</sup>

Another important means by which Disney satisfies CMs' concern for autonomy is giving them the power to do something special to make guests happy. One CM who had previously worked for an airline found this to be a crucial distinction between the two work environments: At the airline, when stranded passengers were unhappy, he was powerless to help them; at WDW, he has the autonomy to solve their problems.<sup>246</sup> I experienced two notable instances of CMs exercising their autonomy to increase guests' happiness. The first came at the Animal Kingdom, where my parents and I tried to obtain a FastPass for the popular safari ride. Finding that they were out of FastPasses for the day—which had been our experience on our last trip—my mother asked a nearby CM whether it is ever possible to get a FastPass for the safari and explained our previous failures. By means of an answer, the CM brought us to the head of the ninety-minute-long line and asked the CM to seat us on the next available car. The second instance of a CM exercising her autonomy occurred when I asked a Guest Relations CM to check whether there were any available seatings for a Character breakfast at the Contemporary, explaining that I was checking each day to see if a reservation opened up. Finding that there were none, but believing that there ought to be room to squeeze in a single diner, she overrode the reservation system and told the restaurant manager to expect me. In both of these cases, the CMs exercised their power to grant a guest's request, even though strictly following the rules would have denied it. Disney's granting CMs the authority to bend the rules on guests' behalf is a significant factor in the Company's meeting CMs' concern for autonomy.

In short, Disney expands CMs' autonomy in areas such as job choice and vacation time, as well as by granting them the authority to solve guests' problems creatively. However, Disney seems to be fairly weak in fulfilling the CMs' autonomy concern. As discussed below, a lack of autonomy is one of the most significant CM complaints and is an area in which Disney could improve its negotiations with CMs.

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245. Interview with an Epcot Cast Member, at Walt Disney World (Jan. 15, 2007). The CM noted, however, that Disney's flexibility is something "you have to ask for." *Id.* He indicated that Disney was willing to make the accommodation for him provided that his choice to take unscheduled time off was not widely advertised. *Id.*

246. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 2007).



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### 3. Status

The social status of CMs at WDW is noticeably lower than that of guests,<sup>247</sup> but Disney does make some efforts to equalize CMs' status. For instance, Disney's first-name policy is a means of minimizing distinctions between upper management and lower-ranking CMs by eliminating the possibility of formality when junior CMs address their supervisors. Also, Disney's outstanding benefits package is available to any full-time CM who has been at WDW for three months,<sup>248</sup> while all CMs enjoy the perks of free Park admission and numerous discounts.<sup>249</sup>

Moreover, Disney strives to make positions of elevated status equally achievable for all CMs. The first level of supervisory CMs are "leads," hourly-wage CMs chosen by their peers for advancement.<sup>250</sup> Filling the spots of leads through peer-initiated promotions addresses CMs' concern for status because it grants them the authority to alter the social status structure among CMs as they see fit. Also, throughout the Resort, Disney promotes from within.<sup>251</sup> The policy of promoting CMs, rather than hiring outsiders into positions of higher authority, serves CMs' concern for status because it makes the opportunity to rise to a higher social status more real.

Disney also employs means for recognizing CMs' particular status. One such indication is the special name tag awarded to CMs with foreign language skills.<sup>252</sup> The name tag displays language flags representing the country whose language the CM speaks. Not only is this helpful for guests who speak languages other than English, but it also acknowledges the CM's high particular status in speaking that language. Other special awards and recognitions that Disney uses to recognize CMs' good work, discussed in more detail below, also serve as Disney's acknowledgment of the CMs'

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247. *See supra* text accompanying notes 168-71 (discussing the indications of guests' higher social status).

248. THE PROJECT ON DISNEY, *supra* note 29, at 118. Obtaining full-time status is, however, often a frustrating challenge. *Id.* Disney's benefits package is excellent and perceived as a significant perk of the job. Interview with a hotel Cast Member, at Walt Disney World (Jan. 16, 2007).

249. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 13, 2007).

250. THE PROJECT ON DISNEY, *supra* note 29, at 119.

251. *Id.* However, according to the CMs Kuenz interviewed, the primary means of promotion from within is through favoritism. *Id.* at 122. If positions of higher status are not practically or fairly attainable, then Disney's attempts to meet CMs' concern for status are significantly compromised.

252. *The Disney Look*, *supra* note 235.

particular status in the area for which they are awarded. The use of status symbols such as these awards is useful for Disney because it gives CMs something to strive for, but it is also a viable means of stimulating CMs' positive emotions by satisfying their concern for status.

To summarize, satisfying CMs' concern for status is a difficult task for Disney because CMs are of noticeably lower social status than are guests at WDW. Disney attempts to minimize social status differentials within the Company by implementing a first-name policy and by making advancements in status equally achievable for all CMs. It also recognizes CMs' areas of particular status through special honors and awards. Whether Disney successfully stimulates CMs' positive emotions by meeting their need for status is questionable.

#### 4. Role

Cast Members' role at WDW is not nearly as carefree as is that of guests, but Disney takes some steps to ensure that it is similarly fulfilling. As Fisher and Shapiro describe it, a fulfilling role (1) has a clear purpose that provides an overarching framework to one's behavior; (2) is personally meaningful, in that it incorporates one's skills, interests, values, and beliefs to the task at hand; and (3) is not merely a pretense.<sup>253</sup> From the Parks' and Resorts' inception at Disneyland, the role of CMs has been guided by Walt Disney's vision that CMs would bring guests into a fantasy world, and that they would be a large part of the show.<sup>254</sup> The conventional role of CM can be fulfilling if CMs find meaning in the activities involved in creating magic for the guests.

Disney's success in helping CMs to find this meaning begins with Traditions. Making the creation of magic fulfilling involves convincing CMs that such magic actually exists, and educating CMs about Disney's values, culture, and purpose helps CMs to view WDW as a magical place, rather than just an amusement park. In this sense, Disney is highly successful in helping CMs to find their role at WDW to be a meaningful one. According to Kuenz, "For many workers . . . the park's magic is quite magical. . . . With few exceptions, all the workers I talked to were convinced that they did indeed produce something they were content to call magic . . . ."<sup>255</sup> The CMs I interviewed similarly believed in the magic of WDW; one in particular spoke of the magic he felt while inside the Parks as

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253. FISHER & SHAPIRO, *supra* note 22, at 117-18.

254. *The Disney Look*, *supra* note 235.

255. THE PROJECT ON DISNEY, *supra* note 29, at 112-13.

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almost palpable.<sup>256</sup> Because they feel the magic themselves, CMs seem to find meaning in the role of helping guests to feel it as well.

Disney encourages CMs to take their role seriously by presenting the creation of magic as a serious and worthy task. As James “Jay” Rasulo, Disney’s current Senior Executive Vice President and Chief Financial Officer, and former Chairman, Walt Disney Parks and Resorts Worldwide,<sup>257</sup> explains, “Disney parks are always the place where dreams come true,” and he credits CMs with making guests’ dreams come true.<sup>258</sup> Disney emphasizes that every element of CM appearance and behavior can impact significantly the quality of the “Disney show” and guests’ enjoyment of it.<sup>259</sup> In short, Disney encourages CMs to find meaning in their role because it portrays that role as something intrinsic to the integrity both of the WDW experience and of Disney itself. From what the CMs indicate, Disney’s efforts are successful: The CMs I talked with unilaterally enjoy being part of Disney and their role as CMs.<sup>260</sup> And as Kuenz notes

The extent to which Disney workers seem actually to become their roles and thus embody magic and happiness—and this includes everyone, not just those in head costumes—is one of the most remarked and generally praised aspects of the park and is said to be the thing that distinguishes Walt Disney World from . . . Universal Studios: “Why is Disney a happier place? Because it’s Disney.”<sup>261</sup>

Disney’s commitment to helping CMs find meaning in their role is undoubtedly a large part of the reason why Disney’s turnover rate is less than 30%, while the norm for most theme parks is 100%.<sup>262</sup>

Disney helps CMs to find fulfillment in their role also because it allows them to choose positions within WDW that involve meaningful activities and the temporary roles they most prefer. For instance, CMs who like to play the roles of listener and problem solver might gravitate toward Guest Relations, while those who prefer to be performers or jokers might choose to be in Entertainment.<sup>263</sup> Disney serves CMs’ desire to shape meaningful

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256. Interview with a Hollywood Studios Cast Member, at Walt Disney World (Jan. 15, 2007).

257. *Annual Report*, *supra* note 7, at 23.

258. Press Release, *supra* note 201 (internal quotations omitted).

259. *The Disney Look*, *supra* note 235.

260. This implies that these CMs have struck a satisfactory balance between recognizing their work and non-work selves and can acknowledge that both are meaningful and real. *See* HOCHSCHILD, *supra* note 112, at 133.

261. THE PROJECT ON DISNEY, *supra* note 29, at 137-38.

262. CAPODAGLI & JACKSON, *supra* note 32, at 20.

263. *See infra* Appendix A.

roles for themselves by offering a breadth of opportunities for CMs to utilize their strengths in the way that best satisfies them.

Drawing these points together, the importance of role is paramount at WDW, a place where the employees are Cast Members and being in public view is being On Stage.<sup>264</sup> Disney helps to ensure that though CMs work hard for the pleasure of others, the CMs find their work meaningful. The notion that the role of CM at WDW is a crucial one is ingrained in Disney's business culture, and Disney presents the role of CM as one in which the CMs can take great pride. Walt Disney World also offers individual CMs the possibility of choosing the area of employment that they find most personally meaningful and that most calls into play their preferred temporary roles. Disney stimulates positive emotions in its negotiations with CMs by offering them the most important role possible: creators of the HPOE.

## 5. Appreciation

Disney approaches its negotiations with CMs as opportunities to “reward, recognize, and celebrate”<sup>265</sup>—and thereby to express appreciation of<sup>266</sup>—their hard work. For instance, when a guest's letter praises a CM, that letter is forwarded to the CM's supervisor, who shares the letter with the CM and posts it on a bulletin for all CMs to see.<sup>267</sup> Additionally, when a CM does something especially notable, a supervisor might hand the CM a Guest Service Fanatic card, which earns the CM the title of Guest Service Fanatic for his good deed.<sup>268</sup> These cards qualify the CMs for a monthly drawing with a large ceremony and prizes.<sup>269</sup> Also, CMs may receive special pins to reflect recently-won service awards.<sup>270</sup> The purpose of these methods of recognition is to make CMs feel appreciated for their contribution to WDW.<sup>271</sup> Giving a CM an award is a way for Disney to acknowledge and communicate understanding of the merits of the CM's

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264. See *supra* note 192 and accompanying text.

265. CONNELLAN, *supra* note 64, at 109.

266. See FISHER & SHAPIRO, *supra* note 22, at 30-31 (suggesting ways in which negotiators can find merit in what others think, feel, or do).

267. CONNELLAN, *supra* note 64, at 83, 86. The downside to this policy is that negative feedback is also posted. *Id.* at 91.

268. Bruce I. Jones, *People Management Lessons from Disney*, DISNEY INSTITUTE, 2-3, available at <http://www.trainingindustry.com/media/3532077/disneypeoplemanagementlessons.pdf> (last visited June 10, 2012).

269. CONNELLAN, *supra* note 64, at 87.

270. See *id.* at 83; see also *The Disney Look*, *supra* note 235.

271. FISHER & SHAPIRO, *supra* note 22, at 30-31.

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effort.<sup>272</sup> One CM wearing a pin indicating he had won an award was noticeably pleased with the acknowledgement: Though he said, “I just do what I do, and recognition follows,”<sup>273</sup> the “music” of his words<sup>274</sup> made it clear that the recognition made him feel appreciated.<sup>275</sup> Even if an award is not an end in itself for him, this CM was happy that Disney found merit in the work he does.<sup>276</sup>

Another means by which Disney attempts to appreciate the CMs is by encouraging CM feedback through the use of comments posted on area bulletin boards.<sup>277</sup> When a CM has a complaint, he can post it on this bulletin board, where it will be collected and addressed at a larger staff meeting.<sup>278</sup> The same sort of situation exists for CMs’ ideas on how to improve the Parks or the work environment within them.<sup>279</sup> The extent to which this system meets CMs’ need for appreciation is questionable,<sup>280</sup> but it does demonstrate an effort on Disney’s part to appreciate CMs’ points of view.

In sum, Disney demonstrates appreciation of CMs in large part through special rewards and recognition of their work. Disney also seeks to understand CMs’ points of view by soliciting their comments on public bulletin boards. These techniques are positive, but insufficient, means of demonstrating appreciation of CMs. This is an area in which Disney has room for improvement.

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272. See Jones, *supra* note 268, at 2.

273. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 2007) [hereinafter Interview note 273].

274. See FISHER & SHAPIRO, *supra* note 22, at 28.

275. See Interview note 273.

276. *Id.*

277. THE PROJECT ON DISNEY, *supra* note 29, at 125-26.

278. *Id.*

279. *Id.* at 126.

280. See *id.* at 122-23. A CM interviewed by Kuenz explained that in practice, complaints are not welcome from CMs who hope for advancement: “You’ve got to keep your mouth shut. You can’t tell them your opinion. You have to do everything they say . . . . Never say anything negative. Everything’s positive.” *Id.* Appreciating the CMs is an area in which Disney could improve its negotiations.

#### IV. HOW DISNEY IS UNSUCCESSFUL IN MEETING THE CORE CONCERNS IN NEGOTIATIONS

##### A. *Negotiations with Guests*

As successful as Disney is in meeting guests' Core Concerns in its negotiations with them, Disney is not infallible, and certain of Disney's failures undermine its attempt to earn WDW the title of HPOE. This Part examines Disney's negotiation shortcomings, focusing on how Disney as a company fails to address guests' Core Concerns as effectively as it could. The analysis culminates with a discussion of Disney's shortcomings in appreciation, as illustrated by a case study of a particular negotiation with CMs. This example demonstrates the interplay between the Core Concerns, as it incorporates and exemplifies the ways in which Disney does not meet guests' Core Concerns as well as it could. This particular CM negotiation calls into question whether Walt Disney World fully deserves the title of the Happiest Place on Earth.

##### 1. Affiliation

Disney's constant self-reinvention, one of the factors that increases guests' affiliation with the brand by appealing to every generation, also works against Disney in its negotiations with guests by causing some to feel disaffiliated. One family of guests expressed their disappointment with the fact that Disney has eliminated some of their favorite rides to make room for new ones, like replacing The ExtraTERRORestrial Alien Encounter with Stitch's Great Escape! and Mr. Toad's Wild Ride with The Many Adventures of Winnie the Pooh.<sup>281</sup> In combination with Disney's self-reinvention is what one group of guests deemed its "selling out" through product placement,<sup>282</sup> such as Epcot's Test Track ride, a simulated test dummy experience based on safety and quality tests performed on prototypes, which until recently prominently featured General Motors,<sup>283</sup> or

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281. Interview with Magic Kingdom guests, at Walt Disney World (Jan. 13, 2007). See *Attractions*, *supra* note 1. The ExtraTERRORestrial Alien Encounter was a science fiction attraction at the Magic Kingdom. Mr. Toad's Wild Ride was a ride at WDW and Disneyland based on the *Wind in the Willows* segment of the animated film *The Adventures of Ichabod and Mr. Toad*; the ride still exists at Disneyland. See *Mr. Toad's Wild Ride*, DISNEYLAND RESORT, <http://disneyland.disney.go.com/disneyland/mr-toads-wild-ride/> (last visited July 13, 2012).

282. Interview with Magic Kingdom guests, at Walt Disney World (Jan. 13, 2007).

283. See *Test Track: Attraction at Epcot*, WALT DISNEY WORLD,

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Club Cool, which offers tastes of different international Coca-Cola soft drinks and sells Coca-Cola merchandise, with the brand clearly identified throughout the store.<sup>284</sup> The strength of guests' affiliation with the Company is undermined by Disney's pervasive references to other brands.

Disney also demonstrates shortcomings in its negotiations with guests through its CMs, and these inhibit Disney's stimulation of positive emotions. Specifically, Disney's CMs are humans, and as such, they are prone to having bad days and lapses in friendliness. Luckily for Disney, these CMs are not so much actively negative as they are nearly invisible. As one CM commented, "Some Cast Members are just like, 'Get on the ride.'"<sup>285</sup> These CMs are notable because they are the antithesis of Disney's typical "aggressively friendly" negotiators. The contrast between the nonresponsive CMs and the majority of friendly CMs results in negative emotions and a feeling of disaffiliation. Disney is aware of this effect; as it teaches its College Program recruits, "Your attitude and performance are direct reflections on the quality of our Disney show. It's those things that you don't always think of that detract from our guests' enjoyment . . . [like] frowning."<sup>286</sup> As guests excitedly approach the front of the lines, hearing a non-plussed "How many?" from a non-smiling CM quashes their high spirits, and prevents the guests from wanting to build a personal connection with the CM. Such an interaction leaves guests with a "bad taste" that lingers until it is replaced courtesy of a cheerful CM.

To summarize, three disaffiliating phenomena threaten the relationship between Disney and guests. The first is Disney's constant reinvention of its image and attractions at the expense of some familiar favorites. The second is the prominent marketing in WDW of other brands, which guests find intrusive and disruptive of their affiliation with the Disney brand. The third is interactions with unfriendly or nonresponsive CMs, whose behavior stimulates negative emotions because it presents such a stark contrast to the rest of the Disney cast. Becoming the HPOE depends greatly upon Disney's ability to meet guests' need for affiliation, so it is important for Disney to consider whether these instances actively stimulate strong negative

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<http://disneyworld.disney.go.com/parks/epcot/attractions/test-track/> (last visited July 13, 2012). Test Track is currently being redesigned and rebranded with Chevrolet as the sponsor, and is scheduled to reopen in fall 2012. *See id.*

284. *See Epcot: Shopping*, WALT DISNEY WORLD,

<http://disneyworld.disney.go.com/parks/epcot/shopping/> (last visited July 13, 2012).

285. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 2007).

286. *The Disney Look*, *supra* note 235.

emotions, or merely fail to stimulate positive ones. In either case, Disney has room for improvement.

## 2. Autonomy

Autonomy is a favorite topic among WDW scholars. Disney critics remark upon the “erasure of spontaneity” at WDW by the “totality of the built and themed environment” in which “every need [is] predefined and presented to [guests] as a packaged routine and set of choices.”<sup>287</sup> They decry the Parks’ layout as eliminating choice by forcing guests to go down specific paths to specific spots chosen by Disney,<sup>288</sup> and criticize the entire WDW environment as one that acts upon guests, rather than allowing them to act.<sup>289</sup> In truth, a by-product of Disney’s control over the WDW environment is the fact that much of the experience of visiting WDW is pre-programmed for guests. There is little free, undeveloped space for children’s unstructured play, and the rides and shows are choreographed so that each guest gets the same experience.<sup>290</sup> In this environment, guests have little autonomy to determine the course of their own amusement.

Additionally, having to wait in line for every morsel of entertainment is another impingement upon guests’ autonomy. In fact, guests are beholden to Disney for the entirety of their experience, from the time guests’ entertainment will begin and end (the Parks’ operating hours) to when guests may eat (when Disney grants them restaurant reservations).<sup>291</sup> Guests are not free to ride any attraction they choose; they must first meet Disney’s height and fitness requirements. Even after guests submit to the impingement of autonomy represented by the attractions’ lines, they may not then freely enter a ride. Instead, they must wait for a CM to grant permission for them to board, and must sit where and in what number groupings the CM indicates.

While much of the WDW experience seems like a dire impingement upon guests’ autonomy, it is perhaps not as grievous as it sounds at first blush. This is because the impingements upon autonomy that Disney

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287. THE PROJECT ON DISNEY, *supra* note 29, at 184.

288. For example, guests can only reach the rides at the Magic Kingdom by walking down Main Street, which is predominantly a row of stores filled with Disney merchandise. *See* WASKO, *supra* note 46, at 166.

289. *Id.* at 167.

290. *See id.* at 166.

291. My parents, for example, loathe restaurant reservations because they impose a time schedule upon the WDW experience and limit how they may spend their time at the Resort. They submit to them only because it is very difficult to walk in and obtain seating at many of the WDW restaurants without one.



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imposes upon guests are common and expected in the context of an amusement park. Guests who choose to visit WDW do so with the knowledge that certain facets of the popular vacation spot, such as lines and reservations, are necessary evils. In effect, guests choose to visit WDW because on balance, the pleasures outweigh the sacrifices of autonomy necessary to experience them. Most guests would probably agree that if Disney were able to eliminate such restrictive annoyances, WDW would be almost completely idyllic, but even the presence of such unpleasantness does not prevent WDW from being the HPOE.

Summarizing these observations, Walt Disney World is not designed with the purpose of expanding guests' autonomy: The environment and its entertainment are controlled and scripted, with little room for improvisation. Disney negotiates with guests from a position of authority, in that it dictates how and when they may access that entertainment. However, most guests knowingly and willingly sacrifice their autonomy to Disney as part of the price of visiting such a popular place that provides its patrons with a consistent, dependable experience. Though certainly there is room for improvement in terms of autonomy, WDW offers guests high-quality entertainment they can count on, which makes the Resort the HPOE.

### 3. Status

Disney fails to satisfy fully some guests' concerns for status for the same reason that it satisfies others': The Company's efforts to equalize guests' social status inside the Resort result in the situation that guests who enjoy high social status in everyday life find themselves on the same status level as all other guests at WDW. As people "enjoy having a lofty status that is recognized by others and by [themselves]," and become accustomed to using their high status to gain influence over others,<sup>292</sup> they are likely to experience negative emotions when they enter the egalitarian community of WDW because their high, everyday social status will not be recognized as such at WDW. For instance, a judge used to commanding a courtroom will find himself waiting for a CM's permission to board one of the teacups at the Mad Tea Party;<sup>293</sup> a first-class-traveling CEO accustomed to bypassing long lines at the airport will find herself standing in the same ninety-minute-

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292. FISHER & SHAPIRO, *supra* note 22, at 95.

293. *See Attractions, supra* note 1.

long line for Peter Pan's Flight<sup>294</sup> as one of her factory workers; and a celebrity who gets the best tables at trendy restaurants will be denied the prettiest horse on the Prince Charming Regal Carousel<sup>295</sup> because a five-year-old got there first. Other than the FastPass system (which is available to all guests), there is no way for guests of high social status outside WDW to exert their influence within the Parks. Because Disney eliminates guests' competition for status, those habituated to receiving top priority may experience negative emotions at WDW.

In short, Disney's approach to negotiating with its guests is to eliminate, to the extent possible, the indicia of higher and lower social status within the Parks. While this probably stimulates positive emotions in most guests because everyone is treated as being of high social status, it may also elicit negative emotions in those accustomed to being of relatively higher social standing in their everyday lives.<sup>296</sup>

#### 4. Role

Just as Disney places guests in the unfamiliar, and likely enjoyable, role of vacationers free from responsibility, it also casts them in the potentially less pleasing role of passive participants in their enjoyment: Guests are, "reduced to the 'ideal' child-like condition of being acted upon rather than acting."<sup>297</sup> While playing the role of recreant who cedes authority to Disney to create enjoyment may be a fulfilling and pleasurable escape for many guests, for others it is likely to be one devoid of meaningful activities. Some guests find themselves "bored" at WDW or critique WDW as being too "contrived."<sup>298</sup> The Disney experience simply does not appeal to all guests.<sup>299</sup> For these non-converts, Disney fails in its negotiations by not meeting their need for a fulfilling role. Addressing this concern, if this were possible, would probably require Disney to restructure WDW somewhat fundamentally, since their discontent seemingly stems in part from Disney's reliance on fantasy, which is intrinsic to WDW.

In summary, Walt Disney World does not offer a fulfilling role to those guests who seek active involvement in entertainment grounded in the "real"

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294. See *Attractions*, *supra* note 1.

295. See *id.*

296. Despite this probability, this is not an aspect of the Core Concerns that is advisable for Disney to address, especially not in a way that is evident to the majority of guests in whom the equality of social status stimulates positive emotions. See *infra* Part V.B.7 and note 385.

297. WASKO, *supra* note 46, at 167 (internal quotations omitted).

298. THE PROJECT ON DISNEY, *supra* note 29, at 1 (describing two academics' reactions at an American Studies conference to their time spent at WDW).

299. See *id.*

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world. Disney's negotiation with these guests is likely to occur in isolated instances, since those who find the WDW concept unappealing are less likely to be repeat players in negotiations with Disney at the Resort. Addressing this concern would involve the creation of more interactive entertainment and continuous efforts to incorporate realism into the Parks, but these strategies may undermine the Disney experience for other guests.

5. Appreciation: A Case Study<sup>300</sup>

a. *The Situation*

Disney's fallibility in meeting guests' concern for appreciation became strikingly evident the day my parents and I were scheduled to have lunch with an Imagineer at Hollywood Studios' gourmet American cuisine restaurant, The Hollywood Brown Derby (the Derby<sup>301</sup>). Dining at the Derby is itself somewhat of a special treat, as it is one of sixteen "Fine/Signature Dining" restaurants on the WDW property.<sup>302</sup> The added attraction of an exclusive lunch with an Imagineer—an opportunity to discover some of what goes on "behind the magic" at WDW—made this lunch reservation an occasion that we eagerly anticipated. I had made the reservation several weeks prior to our visit via Disney Dining, Disney's telephone and online reservation system.<sup>303</sup> The CM who made our reservation told me that all seating options were available for the Imagineer luncheon on the day we selected, so we could choose any time we preferred. I confirmed a reservation for the three of us at one o'clock.

We spent the morning of our lunch day visiting Hollywood Studios' attractions, then left the Park temporarily to change into the "business casual" clothing required for the Derby. We arrived at the restaurant a few minutes before our scheduled reservation, and as we waited, we chatted excitedly about the type of insider's information we would convince the Imagineer to divulge. Our CM server led us promptly to our table, which was set for three. Realizing that this would leave no room for the Imagineer

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300. While focusing largely upon appreciation, this Part is also relevant to and incorporates Disney's negotiating weaknesses with respect to the other four Core Concerns.

301. See *infra* Appendix A.

302. See *Restaurants*, *supra* note 70.

303. See *Where to Eat: Dining & Reservations*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/reservations/dining/> (last visited July 13, 2012).

(who was not present and whom the server had not mentioned), I indicated to the CM that there might be a mistake. “We’re supposed to have lunch with an Imagineer,” I explained. “Oh,” she replied, with a look that was in no way encouraging. “We’d better speak to my supervisor.”

At this point rather alarmed, we followed the CM back to the hostess’ podium and waited to discover the cause of the confusion. A CM manager appeared shortly and spoke with us. “I hear there was a mix-up with your reservation?” she said inquiringly. I explained about having made reservations for lunch with an Imagineer. When I finished, she responded, “Oh, no, we only do the Imagineer lunch on Mondays, Wednesdays, and Fridays at 11:30am. And it’s Martin Luther King Day; the Imagineers are off today. You said you made a reservation?” I told her that the reservationist had given us our choice of times. “No, that’s not right,” she said. “Sorry about that. Let me see what I can find out.” With that, she left us standing by the podium as she went to make a phone call.

“No,” the CM said when she returned. “No, the Imagineers are off for the holiday—and the lunches are booked for the rest of the week.” My parents explained they were leaving that day, and that their main purpose for coming was this lunch. “Maybe you can try on your next visit? Here’s my card; next time you’re here, give me a call and I’ll get you into one of the luncheons. Sorry about that!” And with that, the CM left us.<sup>304</sup>

Standing there in our respective dress slacks, skirt, and high heels, my parents and I were somewhat shocked. We were so disappointed that we left the Derby in search of somewhere more innocuous to dine. As we walked out of the door, our original server confided in me, “The reservation people don’t know what they’re doing,” and she smiled sympathetically. In our daze, we walked over to the Backlot Express counter service restaurant,<sup>305</sup> where we, in our business casual attire, sat down to a meal of hamburgers and French fries.

#### *b. The Negotiation*

The CM manager failed to meet our need for appreciation almost from the outset. Once she heard the basic facts of the reservationist’s misunderstanding and surmised that no Imagineers were available, she stopped listening to—and trying to understand—us. The CM largely ignored the fact that my parents had made the trip to WDW primarily for

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304. To her credit, the CM did take my cell phone number and promised to try to squeeze me into another Imagineer meal during my stay. She called later to tell me she had been unsuccessful and reiterated that I should call her before my next visit.

305. See *Restaurants*, *supra* note 70.

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this lunch. She heard us describe the circumstances of making the reservation, but failed to notice the meta-messages behind what we said. When we told her we were so “excited” about the lunch and were eager to learn about Disney “behind the scenes” and how “disappointed” we were that the lunch could not happen, she missed our underlying sentiment, that we had felt an increase in status about the prospect of a slightly fancy, unusual, and exclusive lunch with a Disney insider. She failed to understand that our disappointment stemmed not only from missing a unique opportunity to meet an Imagineer, but also from experiencing a diminishment in status. We were no longer special—we were left to eat hamburgers with everyone else. This CM heard about our circumstances, but did not attempt to appreciate our point of view about them.

We also felt unappreciated because the CM seemed not to find merit in what we explained to her. Throughout our conversation, she repeated sentiments beginning with “no”: “No, that’s not right.”; “No, the Imagineers are off.”; “No, we don’t do lunches at one o’clock.”; “No, there isn’t room at another lunch for you.” The CM communicated the facts in such a way that sounded as though she were criticizing what we were telling her. Not only were we disappointed, but she made it sound as if it were our mistake, which contributed to our feeling unappreciated.

Lastly, the CM failed to communicate that she understood what we were feeling. By verifying the reservation and calling the Imagineering office, she demonstrated an understanding of the factual situation. By allowing us to leave the restaurant with simply an apology and her business card, the CM did not appreciate our emotional reaction to the factual situation. Though we reiterated how exciting the prospect was of seeing Disney behind the scenes, she did not demonstrate that she appreciated our interest in an insider’s tour. She focused on *this* lunch, *this* Imagineer, and *this* restaurant; had she appreciated what we were trying to communicate, she could have demonstrated that understanding by investigating *other* behind the scenes opportunities available at WDW,<sup>306</sup> or by increasing our status by offering us a complimentary meal at the Derby to apologize for the mistake.

The CM did not handle our emotions as effectively as she could have because she assumed the temporary role of “problem solver” when she should have focused on the role of “listener.” When she could not solve the

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306. There are at least sixteen types of tours offered at WDW. See *Tours and Experiences at Walt Disney World Resort*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/tours-and-experiences/?resultSet=31&page=0> (last visited July 11, 2012).

immediate problem, she adopted a “tough luck; can’t help you” attitude that stimulated so many negative emotions in us that our next stop (after lunch) was Guest Relations, where we hoped to find a more sympathetic ear.<sup>307</sup> Our feeling of disaffiliation with Disney was intense and bi-level: My parents remarked several times how this interaction was “so unlike Disney” and we all agreed that we wanted to leave Hollywood Studios as soon as possible. On a personal level, I was quite angry with the CM and leery of speaking to her again, to the extent that I never did take advantage of her offer to arrange another Imagineer lunch.

*c. The Impact*

What began as a botched reservation ended as an episode of unappreciation and disaffiliation that stimulated strong negative emotions toward Disney and its CM. As a result of that negotiation, WDW was for us the antithesis of the HPOE. Had we been first-time guests judging Disney on only that interaction, we would have been unlikely to return. This example not only demonstrates the interplay of the Core Concerns throughout a negotiation, but it also indicates the extent to which stimulating positive emotions is crucial for Disney, not merely for WDW to earn the title of the HPOE, but also for its corporate success.<sup>308</sup>

*B. Negotiations with Cast Members*

Since CMs make up such a large part of the WDW population, WDW cannot validly claim the title of the HPOE if Disney does not negotiate with CMs in a way that handles their emotions effectively and stimulates positive emotions. Despite Disney’s efforts to address CMs’ Core Concerns, it is evident that Disney does not satisfy these Concerns as fully as it could. This Part examines the areas in which Disney could improve its negotiations with CMs, at both the company and personal levels.

1. Affiliation

Cast Members feel disaffiliated with the Company largely for the same reason that guests feel affiliated with it: Disney is a “corporate monolith,”<sup>309</sup>

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307. The Guest Relations CMs satisfied our Core Concerns much more effectively. *See supra* notes 226-28 and accompanying text.

308. The definition of Disney’s “corporate success,” and the extent to which the title of the HPOE is a factor, is discussed below. *See infra* Part VI.

309. THE PROJECT ON DISNEY, *supra* note 29, at 112.

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a vast empire where the king—Robert Iger, President and CEO of the Walt Disney Company—earns more than \$18 million per year,<sup>310</sup> while the commoners—e.g., part-time CMs—take home salaries closer to minimum wage.<sup>311</sup> Not only is this intra-company disparity striking for CMs, but they are also aware that Disney pays them 10%–15% below market for their work.<sup>312</sup> Moreover, CMs perceive Disney as “inflexible in negotiations with prospective employees,”<sup>313</sup> which adds to their sense of disaffiliation. Disney’s impressive size helps guests across the globe to develop an affiliation with the Company, but it impedes CMs’ development of the same. As one CM explained, Disney’s workforce has to be unionized because the Company—even limited to WDW—is so large that the various types of workers do not understand what the others do; thus, unions, though “not very powerful,” are necessary mediators that relay area-specific concerns between occasionally-warring factions within the Resort.<sup>314</sup>

Cast Members feel a lack of personal connection with the Company also because they feel disillusioned by some of what it espouses. With respect to Disney’s commitment to equal opportunity promotion, CMs expressed to Kuenz that they were

sure that Disney’s commitment to equal opportunity, Walt’s bootstraps ethos, was self-evidently absurd, that in order not just to stay on . . . but to move into a higher position, they had to be favored by someone above them, which usually requires them to be obsequious, not make problems, not complain . . . . What made Disney workers bitter

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310. See The Walt Disney Co., *The Walt Disney Company Notice of 2012 Annual Meeting and Proxy Statement (Form DEF 14A)*, at 15 (Jan. 20, 2012). Disney reports Iger’s total cash compensation for the 2011 fiscal year as \$18,462,932 and his total annual compensation (including annual equity awards) for that year as \$31,363,013. *Id.*

311. See, e.g., *Search Jobs*, DISNEY CAREERS, <http://wdw.disneycareers.com/en/search-jobs/advanced-search/> (last visited July 11, 2012) (search inquiry performed for job openings at WDW returned results with starting salary of \$7.80 per hour for part-time custodial work).

312. WASKO, *supra* note 46, at 95.

313. *Id.* at 96.

314. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 2007). The CM illustrated this concept with the example of the interactions between WDW railroad engineers, who conduct real, steam-powered trains around the Magic Kingdom, and the Entertainment CMs participating in the parades: The Entertainment CMs became upset when the train engineers blew the steam whistle during a parade, which drowned out the parade music. The engineers’ union was necessary to explain that the engineers had no choice about when to blow the whistle, since it is necessary to release the steam pressure that could otherwise cause an explosion. *Id.*

was the gap between their expectations for opportunity with Disney and the eventual reality.<sup>315</sup>

Cast Members worry about their job security<sup>316</sup> because of the difficulty of securing full-time employment,<sup>317</sup> and this worry is an obstacle to their development of a sense of affiliation with the Company. Some Cast Members seem to distrust Disney, both because they feel their jobs are not secure,<sup>318</sup> and also because Disney constantly spies on its CMs while they work.<sup>319</sup> Cast Members disguised as tourists, termed “shoppers,” observe how CMs interact with guests or try to provoke CMs into stepping out of character.<sup>320</sup> It is unsurprising, in this atmosphere of job insecurity and covert observation, that CMs would find it difficult to develop a personal connection with their employer. Disney would be well advised to pursue strategies to foster CMs’ affiliation, rather than their neurosis and paranoia.

Disney also falters in its efforts to encourage affiliation between CMs. Despite Disney’s efforts to sponsor events for CMs to mingle,<sup>321</sup> many CMs report that they know only the CMs who work in their immediate area: A CM who works in Adventureland<sup>322</sup> reports interacting with CMs from Adventureland and Liberty Square<sup>323</sup> (the adjoining section of the Magic Kingdom) because they sometimes fill in for each other when the other is short-staffed, but as she said, “Literally, I don’t know a single person from the other side of the Park.”<sup>324</sup> When asked about the Disney-sponsored gatherings, the CM compared them to a college function that one attends with one’s dorm-mates: “You hang out with the people you know.”<sup>325</sup>

The CMs interviewed by Kuenz concurred in the assessment of WDW as cliquish.<sup>326</sup> They also reported that Disney makes it difficult to foster

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315. THE PROJECT ON DISNEY, *supra* note 29, at 122-23.

316. See Interview with a Hollywood Studios Cast Member, at Walt Disney World (Jan. 15, 2007).

317. See THE PROJECT ON DISNEY, *supra* note 29, at 118.

318. See *id.* (“[Cast Members] have gotten a part and maintained a certain type of lifestyle and [Disney] could literally say to [them], ‘Thank you, you have two weeks.’” (quoting a CM performer)).

319. *Id.* at 124. Disney apparently also spies on the guests with its “foxes,” CMs disguised as tourists who help to keep the peace and minimize shoplifting. *Id.*

320. *Id.*

321. See *supra* note 241 and accompanying text.

322. See *infra* Appendix A.

323. See *infra* Appendix A.

324. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 2007).

325. *Id.*

326. THE PROJECT ON DISNEY, *supra* note 29, at 121-122. This cliquishness is exacerbated and perpetuated by the lack of job security and by promotion by favoritism, which breed “unhealthy competition, sycophancy, and mutual distrust.” *Id.* at 122.



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friendships or cross-area alliances because of rules, for example, pertaining to breaks and lunchtime.<sup>327</sup> Cast Members are not permitted to socialize while On Stage.<sup>328</sup> Permissible socialization is limited to when they are on a lunch break.<sup>329</sup> However, breaks are regulated such that not many CMs are off at the same time, and striking up a conversation when trading places risks being late for their return back to work, for which they would be in trouble.<sup>330</sup> Further isolating CMs from their co-workers in other areas is the internalized practice of not associating with CMs from other work sectors: “If you worked in Entertainment, you’d hang out with Entertainment people; if you were in Attractions, you’d hang out with Attractions people . . . . If you crossed, it was a weird feeling, like you weren’t supposed to come through here . . . . You’re not supposed to be over here talking to us.”<sup>331</sup> Thus, both Disney’s formal structures and its business culture impede fulfillment of CMs’ need for affiliation.

Drawing these observations together, Cast Members’ concern for affiliation is largely unsatisfied on both of Disney’s levels of negotiation. Disney fails to build personal connections with the CMs because of the vast gulf between them and the corporate entity that—as some CMs see it—pays them a pittance, denies them job security, and spies on them. As Kuenz writes, “[Cast Members] don’t particularly like the Walt Disney Co.: they find its rules and policies unbending, silly, and degrading . . . .”<sup>332</sup> Disney also does not encourage interpersonal connections between the CMs as effectively as it could because of its policies concerning CM socialization. As its current practices stimulate negative emotions, Disney’s challenge in negotiating with its CMs is to develop a sense of affiliation with the Company that transcends their affinity for their work, and also for it to assist CMs in developing personal connections with their coworkers.

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327. *See id.* at 127.

328. Interview with a Hollywood Studios Cast Member, at Walt Disney World (Jan. 15, 2007) (this CM explained that conversing with a single guest the whole day would please her supervisor, but being caught talking to a co-worker would get her in trouble).

329. THE PROJECT ON DISNEY, *supra* note 29, at 127.

330. *Id.* (“It’s like they don’t want you to be together.” (quoting a CM)).

331. *Id.* (quoting a CM).

332. *Id.* at 141.

## 2. Autonomy

Perhaps more so than any of the Core Concerns, the CMs' desire for autonomy is unfulfilled in its negotiations with Disney. The Company controls nearly every aspect of CMs' appearance and conduct inside WDW.<sup>333</sup> Chewing gum, eating, smoking, using a cell phone, having poor posture, and even frowning are all prohibited activities,<sup>334</sup> and "'continued violation' of the appearance policy is cause for dismissal."<sup>335</sup> Disney is particularly stringent in its rules concerning Character costumes, the removal of which in front of guests, even if the CMs become ill or pass out, is cause for automatic dismissal.<sup>336</sup>

Beyond such appearance and conduct guidelines, CMs report that Disney scripts all of CMs' public interactions to the extent possible.<sup>337</sup> Improvisation and personalization are discouraged: "[I]t doesn't matter who or what you are when you come in since, once in, you will become whatever you were cast to be: 'They have your personality waiting for you.'"<sup>338</sup> Such total control over CMs deprives them of a sense of autonomy and potentially stimulates strong negative emotions toward Disney.

In short, Disney deprives CMs of the autonomy they desire by forcing adherence to rules governing their appearance, conduct, and guest interactions. Such total control over the CMs in their negotiations with Disney stimulates strong negative emotions in the CMs. In this regard more than any other, WDW is clearly not the HPOE for CMs.

333. *See infra* Appendix C.

334. *The Disney Look*, *supra* note 235.

335. WASKO, *supra* note 46, at 94 (quoting a CM handbook distributed by Disney) (internal quotations omitted).

336. *Id.* at 94-95. This is a serious concern for CMs, given the heavy weight of the costumes. Kuenz reports that the temperatures inside the costumes may rise up to 130 degrees:

One man reports that during the summer a goodly part of his job is devoted to driving around retrieving characters when they fall. . . . Passing out is sometimes prefaced by (and probably directly caused by) throwing up inside the head, which cannot be removed until out of public view.

"You're never to be seen in a costume without your head, *ever*. It was automatic dismissal. It's frightening because you can die on your own regurgitation when you can't keep out of it."

THE PROJECT ON DISNEY, *supra* note 29, at 134-36 (quoting a CM).

337. *Id.* at 144 (remarking that "all roles at Disney are scripted and should be predictable," including that of one hotel CM, whose "role is scripted for 'naturalness'").

338. *Id.* at 138 (quoting a CM). Another CM was stopped from altering the words in his scripted spiel: "They made us stop because it was not SOP, it was not Standard Operating Procedure, it was not in your spiel." *Id.* at 128 (quoting a CM).

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### 3. Status

Disney meets guests' needs for status in part by treating them all as being of high social status, but it does not satisfy CMs' status concern nearly as effectively. Some CMs report feelings of hostility toward supervisors and executives, stemming largely from their perception that those supervisors and executives treat them like lesser citizens of WDW.<sup>339</sup> This situation is exacerbated by the tenuousness of employment at WDW and the cliquishness it creates.<sup>340</sup> As one CM hired only for a summer explained of the temporary CMs' social position, "We're outcasts."<sup>341</sup> Cast Members feel that Disney encourages stratification along the social status lines drawn by positions of leadership: "The leads would have their own little pack. The supervisors would have their own little pack. And nobody interacted in between. If you were a lead that hung out with your operators, you were not favored by the supervisors because the supervisors thought you should be with your leads."<sup>342</sup> In essence, these CMs describe social status at WDW as defined by a type of caste system that privileges managers over workers, and full-time CMs over part-time or temporary ones. Perpetuating interactions between CMs in a way that reminds lower-status CMs of their lower status is likely to stimulate negative emotions.

This is particularly of concern because CMs are aware that their social status at WDW is below that of guests.<sup>343</sup> The emphasis that Disney places upon CMs' role of preserving the integrity of the Disney show on guests' behalf, and the measures it takes to control CMs' appearance and behavior to optimize guests' enjoyment of WDW, leave no room for doubt that Disney considers guests to be of higher social status than CMs.<sup>344</sup> Creating a work atmosphere that minimizes the negative emotions stimulated by CMs' feelings of low social status is an important area of concern for Disney to address in its future negotiations with CMs.

To summarize, of the inhabitants of WDW, CMs occupy the position of lowest social status. Disney's formal and informal structures create a highly

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339. *Id.* at 121 (quoting two CMs who feel this way: "You're not people of course." "They treat you like a dog. They treat you like low life.").

340. *Id.*

341. *Id.* at 122.

342. *Id.* at 121 (quoting a CM).

343. *See, e.g., id.* at 145 (noting CMs are not permitted to embarrass guests); *see also supra* notes 168-71, 339 and accompanying text.

344. *See, e.g., supra* text accompanying notes 259, 333-38.

divisive social setting for CMs, and risk stimulating strong negative emotions in CMs at the bottom of the social hierarchy. Devising techniques for meeting CMs' concern for status more effectively, while still maintaining a workable management structure and Disney's trademark esteem for its guests, is a key challenge for Disney's negotiations with its CMs.

#### 4. Role

The highly scripted, controlled, and repetitive work that many CMs perform does not always result in their feeling that they occupy a meaningful role.<sup>345</sup> The set of activities associated with many jobs in WDW, particularly that of one working in Attractions, can become

“monotonous as all get-out.”<sup>346</sup> Disney rotates the Attractions CMs through different positions within the attraction—the head of the line, the final safety check before the ride begins, etc.—every fifteen to thirty minutes.<sup>347</sup> While this does help to curb monotony, it also reinforces for CMs how interchangeable they are in Disney's eyes.<sup>348</sup>

Added to the sense of interchangeability is the pressure of being persistently personable.<sup>349</sup> In Hochschild's terms, doing this successfully involves “deep acting,” a process of calling upon emotive memories to evoke the same emotions in the present, such that the actor is convinced his present emotions are “real.”<sup>350</sup> But when CMs' emotions are inconsistent with the happiness they must display,<sup>351</sup> the required positive expression is stressful.<sup>352</sup> One CM describes the strain associated with, “mechanically reproducing the same commodified Disney charm: ‘You feel like you're a robot after awhile . . . . It's very stressful, but you just have to.’”<sup>353</sup> An

345. See THE PROJECT ON DISNEY, *supra* note 29, at 144.

346. *Id.* at 144 (quoting a CM).

347. *Id.*

348. See *id.* at 145.

349. See *id.* at 144.

350. HOCHSCHILD, *supra* note 112, at 41-42. Deep acting is distinguishable from “surface acting,” which is mere pretending to feel a certain emotion in order to convince observers. *Id.* at 33. It would be preferable for CMs to portray positive emotions through deep acting because successful deep acting may help CMs to feel their emotive displays are more meaningful and better indications of true feelings than if they only feign happiness. Minimizing the disconnect between their inner emotions and outward displays makes their role more fulfilling. See also *infra* Appendix B.

351. Hochschild calls this phenomenon “emotive dissonance.” HOCHSCHILD, *supra* note 112, at 90.

352. See THE PROJECT ON DISNEY, *supra* note 29, at 125.

353. *Id.* (quoting a CM). According to Hochschild, in response to this type of strain, flight attendants may “go into robot.” HOCHSCHILD, *supra* note 112, at 129 (internal quotations omitted). Going “into robot” is a response to the pressure of a job that requires constantly performing what Hochschild terms “emotional labor.” See *infra* Appendix B. The flight attendants who exhibit this

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Attractions CM concurred: “[Y]ou go out in public and be this boy scout for eight hours a day. When you come home, you’re a mess. You’re a maniac. You’re angry . . . . You’re just like, ‘I can’t take this anymore.’”<sup>354</sup> It should be noted that most CMs seem to enjoy working at WDW,<sup>355</sup> and that they individually could utilize techniques to make their conventional roles more meaningful.<sup>356</sup> However, assisting CMs in addressing their concern for a fulfilling role is an avenue that Disney could gainfully employ to stimulate more positive emotions in its negotiations with CMs.

In summary, the activities subsumed within CMs’ conventional roles tend to be monotonous and unfulfilling ones for CMs, insofar as they underscore how CMs are all replaceable parts of the Disney machine. Working at WDW requires CMs to maintain consistent displays of a friendly, positive attitude toward guests—i.e., to perform emotional labor. An ever-present good mood can not only seem contrived if CMs are not proficient in deep acting, but is also strenuous for CMs to maintain because it forces them to bury their negative emotions behind a smile. Cast Members can individually redefine their roles to find them more meaningful, but for WDW to be the HPOE, Disney must assist them in this endeavor.

## 5. Appreciation: A Summary

Disney’s shortcomings in addressing the CMs’ above-mentioned Core Concerns, in all likelihood, result in CMs’ feeling unappreciated by Disney in their interactions with the Company. The fact that Disney pays below market value not only disaffiliates CMs from Disney, but it also can make

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response to emotional labor engage in surface acting, but do not attempt to conceal from their audience that they are pretending. Passengers perceive and respond negatively to this fake “emotion.” See HOCHSCHILD, *supra* note 112, at 33, 129. Similarly, CMs’ going “into robot” would be easily perceptible by guests and would detract from the guests’ experience; e.g., if a CM smiled hollowly and said, “Have a magical day” with no sincerity, guests would feel worse than if he had said nothing.

354. THE PROJECT ON DISNEY, *supra* note 29, at 144 (quoting a CM). Hochschild notes that when working conditions require certain outward displays of emotion, the worker may become estranged from his true feelings in the long term. See HOCHSCHILD, *supra* note 112, at 90.

355. Without exception, every CM I talked to spoke positively about working at WDW, including those I conversed with outside the Parks on their time off. Even the concierge who responded that he had worked for Disney for “too long” proceeded to tell me about why he likes working at WDW. Interview with a hotel CM, at Walt Disney World (Jan. 13, 2007). Part of the meaning the CMs find in their jobs seemingly stems from their creation of magical experiences for the guests; they attribute the creation of this magic to their own efforts and believe that the Company has little to do with it. THE PROJECT ON DISNEY, *supra* note 29, at 113.

356. See FISHER & SHAPIRO, *supra* note 22, at 120-25.

CMs feel that Disney does not value highly the work that they do. Disney's pervasive control over every aspect of CMs' presence in the Resort strips CMs of their autonomy, and also leads many CMs to feel that the Company is not interested in what the CMs might contribute to WDW if they were given more opportunity to express themselves individually. Creating a social structure that privileges management and full-time CMs over their non-management and temporary counterparts demeans the status of these non-management and temporary CMs at the same time that it denies the merit of what they contribute to the Resort. Assigning CMs roles that require the repudiation of their actual emotions and that emphasize their expendability sends CMs the message that Disney does not care about what they individually think, feel, and do.

The combination of factors that results in CMs' feeling underappreciated should be addressed seriously by Disney because of its potential to stimulate strong negative emotions in the CMs. The consequences of such emotions were evident at Disneyland Paris, where CMs responded to Disney's negotiation failures with acts of rebellion. The labor union struck, accusing the Disneyland Paris police force of spying on CMs.<sup>357</sup> One thousand CMs left Disneyland Paris in the first three months of its operation.<sup>358</sup> Cast Members reportedly stole rampantly from the Parks,<sup>359</sup> and their behavior towards guests exemplified the antithesis of Disney's vision of customer service: When asked to take group photos, CMs purposefully cut guests' heads from the pictures; Attractions CMs charged entrance fees for attractions because guests did not know they were free; and Characters stared down children and refused to give them autographs.<sup>360</sup> While the level of negative emotions among WDW CMs is clearly lower than was that of the Disneyland Paris CMs, the implications for Disney are just as real. If Disney does not address its Floridian CMs' Core Concerns more effectively, then Walt Disney World may not rival Disneyland Paris for displays of strong negative emotions, but neither can it justifiably claim the title of the Happiest Place on Earth.

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357. Paul R. Michaud, *Going Global: Wild Kingdom*, 5 WORLD TRADE, no. 8, Oct. 1992 at 5.

358. Roger Mills, James Dimech Debono & Victoria Dimech Debono, *Euro Disney: A Mickey Mouse Project?*, 12 EUR. MGMT. J. 306, 309 (1994).

359. As one Disneyland Paris source put it, Cast Members were "taking home everything imaginable," including \$170,000 from the Hotel New York. Michaud, *supra* note 357, at 5 (internal quotations omitted).

360. ANDREW LAINSBURY, *ONCE UPON AN AMERICAN DREAM: THE STORY OF EURO DISNEYLAND* 107 (2000).

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## V. SUGGESTIONS FOR HOW DISNEY COULD IMPROVE ITS NEGOTIATIONS TO MAKE WALT DISNEY WORLD THE HPOE

As discussed above, Disney is largely successful in addressing guests' and Cast Members' Core Concerns in its negotiations with them at Walt Disney World. As also noted, however, Disney does not respond to their Core Concerns as effectively as it could. If Disney's goal is to make Walt Disney World the Happiest Place on Earth, then it should employ negotiating techniques that will aid the Company in satisfying guests' and CMs' Core Concerns more fully. By improving upon its shortcomings, Disney could negotiate with guests and CMs in a way that stimulates more positive emotions, and thereby bolsters WDW's claim to the title of being the HPOE. This Part outlines suggestions that Disney can utilize to handle emotions more effectively in its negotiations with guests and CMs.

### A. *Negotiations with Guests*<sup>361</sup>

Disney generally addresses guests' Core Concerns effectively, probably because the Company understands that its ability to stimulate positive emotions in negotiations with guests strongly correlates with guests' patronage of Walt Disney World. That said, Disney may choose to implement any or all of the following recommendations to improve its management of guests' emotions and to bring WDW closer to being the HPOE. The suggestions that follow are listed in descending order, beginning with those most strongly recommended that Disney adopt, and concluding with one that Disney should consider, but probably not implement.

#### 1. Formal Negotiating with Emotions Training

As comprehensive as Disney's training is, it does not include any formal negotiation training.<sup>362</sup> The result of this lack of training is that there are more instances of guests' feeling disaffiliated when an unfriendly CM seats them on rides without a smile or unappreciated when a CM fails to

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361. Although the other Parts feature sections further subdivided by Core Concern, the recommendations in this Part are divided only according to whether they pertain to guests or CMs. The reason behind this organization is that many of the suggestions address multiple Core Concerns, such that further subdivision would not be useful.

362. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 2007).

understand the real reason behind a guest's complaint than there might be if CMs learned to listen for and address guests' Core Concerns. Because Disney already mandates Traditions training for all CMs, adding negotiation to the topics addressed would not be unduly burdensome.<sup>363</sup> It would, however, contribute markedly to WDW's being the HPOE.

To incorporate formal negotiation training into Traditions, Disney could hire experts in the emotional dimension of negotiation as consultants to design Disney's negotiation training program.<sup>364</sup> These consultants could instruct the CMs who conduct Traditions in the Core Concerns and could assist them in developing the techniques the CMs would use to teach new CMs how to use the Core Concerns as a "lens to understand and as a lever to improve"<sup>365</sup> their negotiations with guests.<sup>366</sup> A few days or hours of instruction during Traditions would obviously not suffice to make CMs proficient in managing the Core Concerns; however, it would introduce CMs to basic concepts and techniques that they can practice utilizing in negotiations throughout the Resort. To make the training most effective, Disney could offer follow-up negotiation training sessions, perhaps bi-weekly in the first few months of employment and for seasonal CMs and semi-annually thereafter for permanent CMs. This would allow CMs to consult with their trainers about their experiences using the Core Concerns and to get suggestions on how to improve their negotiations in the future. Though this increased focus on negotiation training would require Disney to redesign Traditions somewhat and to incur additional expenses, the investment would pay dividends in the form of improved negotiations between CMs and guests.

## 2. Create a Phone Line for Guest Communications

It is difficult outside of the Resort for guests to initiate contact with Disney via a live person for any purpose other than those deemed acceptable by Disney, namely booking hotel and ticket packages or making restaurant

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363. Hochschild reports that Delta Airlines offers its flight attendants annual training classes focused on avoiding anger. See HOCHSCHILD, *supra* note 112, at 113. Even if Disney opts not to incorporate formal negotiation training into Traditions, it may wish to consider adding a program such as Delta Airlines' for the sake of CMs' long-term mental well-being.

364. Several law schools have excellent negotiation programs and could be a source of such expert consultants.

365. FISHER & SHAPIRO, *supra* note 22, at 21.

366. Considering how often Disney hires and trains new CMs, it is presumably more efficient for the CMs responsible for training to learn from the outside consultant how to teach the Core Concerns techniques than it would be for Disney to call upon the consultant to instruct all new hires personally. Internalizing the instruction process also accords better with Disney's current training practices.



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reservations. Disney phone numbers are scarce; even the Guest Communications contact information cards given out at Guest Relations have only an email and mailing address. Limiting live contact with guests seems to be intentional: One CM reported that the only Disney contact information he was permitted to provide me was the Guest Communications card.<sup>367</sup> Cast Members hand out these cards as panaceas for all guests' problems, which leaves some guests—especially those skeptical of typical company form letters—desirous of more immediate gratification via conversation. Impersonalizing Guest Communications makes it difficult for guests to build affiliation with Disney, and risks stimulating a sense of not being appreciated by a company seemingly unwilling to listen. For Disney to address guests' emotional needs more effectively, it should create a medium for guests to contact CMs personally. Granted, establishing such a department would likely be expensive, but Disney should consider that a guest whose emotional needs remain unmet by an impersonal P.O. box address is a guest unlikely to return to WDW.

3. Modify Service Recovery Efforts to (a) Reduce Focus on Literal Problems and (b) Offer More Creative Solutions

Cast Members handle guests' problems well when they are able to assess the problem and come up with a responsive solution. They are less successful in cases such as my Imagineer lunch, where the immediate situation could not be remedied, and I walked away feeling unappreciated, disaffiliated, and demeaned in status. As part of its negotiation training, Disney should encourage CMs to craft solutions that overcome negative emotions by addressing guests' Core Concerns. For example, rather than apologize and hand me her business card to call before my next trip, if the CM had offered me a Dream FastPass,<sup>368</sup> I would have left our negotiation in an entirely different frame of mind. While that gesture would not have made an Imagineer materialize, it would have made me feel appreciated by demonstrating her understanding of my feeling of diminished status. I would have left the restaurant feeling special in a different way.

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367. Interview with a hotel Cast Member, at Walt Disney World (Jan. 13, 2007). Not only does it appear intentional, it also raises the question whether Disney hopes most dissatisfied guests will lack the follow-through to write their complaints.

368. See *supra* Part III.A (discussing distribution of Dream FastPasses as a method for granting high status).

A more emotion-focused approach to guest complaints would be effective also when guests are upset about a favorite ride being closed during their visit.<sup>369</sup> According to a Guest Relations CM, guests frequently complain to Guest Relations about ride closures and often demand a refund of their ticket price.<sup>370</sup> Disney's response to this demand is to send guests to City Hall,<sup>371</sup> where they will receive a refund of the dollar portion of their ticket price represented by that individual ride, approximately \$1.40.<sup>372</sup> Such a gesture, while immediately responsive to the guest complaint, is liable to stimulate more negative emotions than positive ones. A guest who anticipated for weeks or months his forthcoming opportunity to ride Space Mountain is unlikely to find his disappointment satisfactorily addressed by a \$1.40 refund. This literal approach to service recovery does not handle guests' emotions as effectively as it could and leaves guests feeling unappreciated. Again, this is a situation where listening to the guest, empathizing with his disappointment, and offering a Dream FastPass would serve Disney's purposes better than issuing a proportionate refund.

Since Disney leaves it to the CMs to solve guests' problems, it should encourage the CMs to listen to the underlying concern and address it with a creative and satisfying solution, even if the solution is not directly responsive to the problem. Changing the focus in guest negotiations to be less literal and problem-based and more creative and Core Concern-based could be done at minimal cost to Disney, but could reap maximum benefits in terms of guests' positive emotions.

#### 4. Initiate Negotiations More Often

As I waited to be seated for my Character breakfast, I observed nearby a young girl, approximately three years old, standing next to her mother and bawling with a force that connoted true despair. At least three CMs walked past the girl and noticed her weeping, but seemingly reassured that she was near her mother, they did not even stop to inquire what was the matter; since the mother did not ask for help, the CMs did not offer it.<sup>373</sup> This incident reaffirmed my previous observation that while CMs were happy to chat with

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369. This is a common occurrence, as attractions must close periodically for refurbishment. Disney addresses this situation by posting CMs near the closed ride's entrance to explain the circumstances to guests.

370. Interview with a Guest Relations Cast Member, at Walt Disney World (Jan. 16, 2007).

371. See *infra* Appendix A.

372. Interview with a Magic Kingdom Cast Member, at Walt Disney World (Jan. 16, 1007) (this approximation was the CM's, not my own).

373. I have no doubt that if the girl had been by herself and not in her mother's presence that they would immediately have come to her aid.

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me once I invited them into a conversation, they rarely initiated communication intended to reduce our emotional distance.<sup>374</sup>

To meet guests' concern for affiliation more fully, CMs may consider instigating more conversations with guests on a personal level. This recommendation should be balanced against the potential that actively seeking to reduce emotional distance between CMs and guests may stimulate negative emotions from guests who feel the contact is too intrusive. Perhaps an appropriate balance may be struck by encouraging CMs to offer their assistance when they see signs of distress, such as the little girl's sobbing, rather than waiting for the guest to ask for help.

#### 5. Introduce More Interactive Rides

To alleviate the criticism that WDW deprives guests of their autonomy by incorporating only passive entertainment options that predetermine guests' experience of the attractions, Disney may choose to add more interactive rides to its Parks. Walt Disney World features some partially-interactive rides, including the Tomorrowland Speedway race cars, Buzz Lightyear's Space Ranger Spin, in which guests can use laser guns to shoot at targets and accumulate points throughout the ride, and the Monsters, Inc. Laugh Floor, in which guests become part of a digital improv comedy show.<sup>375</sup> Focusing predominantly upon interactive attractions would arguably expand guests' autonomy by affording them greater control over their entertainment experience. However, the extent to which guests (outside of academics) feel their autonomy impinged sufficiently by Disney's classic attractions, such as Pirates of the Caribbean and the Haunted Mansion,<sup>376</sup> to warrant shifting the Parks' focus to interactive rides is debatable.

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374. In making this assertion, I discount comments such as "Hello," "Have a magical day!" and "Where are you folks from?" all of which belong more to the category of "Safe Conversation Subjects" rather than "Affiliation-Enhancing Subjects." See FISHER & SHAPIRO, *supra* note 22, at 63.

375. See *Attractions*, *supra* note 1. Attractions such as Dumbo the Flying Elephant, Mad Tea Party, and The Magic Carpets of Aladdin could potentially also be considered "interactive" rides, insofar as they allow guests to control their cars' height or rotation speed. See *id.*

376. See *id.*

## 6. Allow Unhappy Cast Members to Take an “Emotional Sick Day”

Since CMs are humans with their own rich emotional lives, it is inevitable that they will sometimes have days in which the challenge of maintaining an ever-present smile is overwhelming. Emotive dissonance notwithstanding, producing a smile is a part of the work in a job that requires emotional labor, and doing the job well entails disguising the effort necessary to produce the enjoyment displayed.<sup>377</sup> One means of reducing the strain caused by emotive dissonance is to minimize the difference between the feeling and the display by changing one or the other.<sup>378</sup> In a job involving emotional labor, more often the feeling than the display is required to change.<sup>379</sup> Even when the laborers are taught techniques for trying to change their negative feelings, performing emotional labor in the long term often results in burnout, becoming emotionally detached or cynical, or refusing to perform and doing the job poorly.<sup>380</sup>

Since CMs perform constant emotional labor, Disney would be well-served to adopt measures that reduce CMs’ emotive dissonance in order to minimize the chances of an interaction between a guest and a CM experiencing negative emotions. There are two significant risks associated with an interaction between an unhappy CM and a guest: the guest may become disaffiliated with the CM and with Disney as a whole, and the CM may experience the detrimental effects of emotive dissonance. In response to these concerns, Disney may wish to allow CMs to request occasionally that they not be On Stage for a day—a form of emotional sick day in which the CMs would perform behind the scenes duties only. Allowing CMs not to interact with guests when they feel emotionally incapable of maintaining Disney’s standards of comportment might reduce the number of instances whereby guests feel disaffiliated from Disney because of contact with an unfriendly CM.<sup>381</sup> Any such policy would fairly be coupled with a proviso that invoking the emotional sick day privilege too frequently would be grounds for dismissal. Disney may wish to incorporate a maximum number

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377. HOCHSCHILD, *supra* note 112, at 8. Given Hochschild’s definition of “emotional labor,” *see infra* Appendix B, working as a CM clearly involves emotional labor, of which producing a smile is a central part.

378. HOCHSCHILD, *supra* note 112, at 8.

379. *Id.*

380. *Id.* at 187. Flight attendants are taught such techniques as pretending something traumatic happened in the passengers’ lives to justify their bad behavior, breathing deeply, and talking to oneself. *Id.* at 25.

381. In addition, this policy might alleviate some of the perceived impingements on CM autonomy through behavioral control and make CMs’ roles more fulfilling by relieving them of some of the burden of pretending happiness they do not feel.

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of emotional sick days into employment contracts. This suggestion may be of more theoretical than practical value, particularly since there is no guarantee that CMs' negative moods would be present prior to their workday, rather than arise during their shift. It may also be infeasible to implement, since CMs who used their quota of emotional sick days would probably continue to work just as they had before the policy was instituted. Moreover, most guests' feelings of affiliation towards Disney may be strong enough that this policy is unnecessary. Despite these limitations, the presence of an emotional sick day policy may garner enough improvements to make it worthwhile.

#### 7. Sell Tickets with a Special FastPass Option

For some guests, WDW may not be the HPOE because of the impingement upon their autonomy posed by waiting in line for attractions. Disney could respond to these guests' autonomy concern by selling a form of ticket to the Resort with a permanent FastPass, a type of first-class option that guests could choose to add at an additional cost.<sup>382</sup> This is not an advisable option for Disney to implement because of the negative implications for guests' status. One of Disney's strengths in meeting guests' concern for status lies in equalizing guests' social status to the greatest extent possible and making status distinctions equally available to all. Offering a status-enhancing option for guests able to pay for it would introduce undesirable social status distinctions. The vast majority of guests would feel their status diminished as they would be unable to afford the premium on an already expensive ticket. In this case, the balance of concerns should be struck in favor of status over autonomy: Disney should continue to offer FastPasses equally and at no charge to all guests.<sup>383</sup>

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382. Presumably, Disney would charge enough of a premium for these tickets that the FastPass would still be worthwhile. If everyone had them, of course, then the FastPass would be pointless.

383. While Disney does not offer a permanent FastPass ticket option, it is possible to get the equivalent of a permanent FastPass by booking a premium VIP tour, which includes "automatic access to FastPass attractions." Telephone Interview with a VIP Tour Services Cast Member (Sept. 6, 2011). Prices for the premium VIP tour range from \$275–\$315 per hour, for a minimum of six consecutive hours. *Id.* Though these tours are available, they are not heavily advertised. Some vague information is available on the WDW website, but details about the tour offerings (including the permanent FastPass feature) are available only by calling Disney directly. See *VIP Tour Guide Services: Tours and Special Experiences at Walt Disney World Resort*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/tours-and-experiences/vip-services/> (last visited June 10, 2012). This type of permanent FastPass poses less of a threat to guests' status than does an enhanced Park

## B. *Negotiations with Cast Members*

To make WDW truly the HPOE, Disney needs to focus on negotiations with CMs, perhaps even more than on those with guests. The extent to which CMs experience negative emotions as a consequence of having their Core Concerns not be met is troubling in itself, as Disney learned from Disneyland Paris' CMs. Moreover, it creates the risk of emotional contagion: If CMs are unhappy, their negative emotions will likely impair their work performance and will be perceived by guests, who may experience a corresponding increase in negative emotions. Disney unquestionably negotiates from a position of power in its dealings with CMs, but by following some or all of the following suggestions, the Company could reap the benefits of the positive emotions stimulated by its attention to the CMs' Core Concerns. As above, the suggestions are presented in descending order, beginning with the most strongly recommended idea.

### 1. Instate a Courtesy Policy

As a threshold matter, Disney should insist that every Disney employee, from upper management to the newest temporary CM, treat every other CM with the same courtesy with which he would treat a guest or someone of similarly high social status.<sup>384</sup> Disney should establish a courtesy policy that emphasizes prefacing requests or orders with "please" and recognizing a completed task with "thank you." This policy should be incorporated into the written employment materials distributed to all CMs and reminders of the policy should be posted prominently backstage. Essentially, Disney should enforce and reward the courtesy policy with the same aplomb with which it monitors the Disney Look and Guest Service Fanatics.<sup>385</sup> A courtesy policy could be implemented virtually at no cost to the Company (other than the cost of compliance) but would produce significant benefits in terms of CMs' concern for status. Just as Disney treats all guests as VIPs, it should ensure that all of its employees are treated with the same respect. Cast Members would undoubtedly feel more affiliated with Disney if Disney's policies required that they be treated with the courtesy befitting their high status as human beings.<sup>386</sup>

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ticket because it is a much less visible option, implying that most guests are probably unaware that it exists and that their status is therefore not diminished by it.

384. See FISHER & SHAPIRO, *supra* note 22, at 99.

385. See *supra* notes 114, 235, 268-69 and accompanying text; see also *infra* Appendix C.

386. See FISHER & SHAPIRO, *supra* note 22, at 99 ("Every negotiator holds high status as a human being worthy of dignity and respect").

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## 2. Arrange Weekly Breakfasts with Cast Members to Gain Their Input

Another viable means for addressing CMs' Core Concerns is by instituting a policy similar to that of Philippe Bourguignon, the man who saved the troubled Disneyland Paris when he took over as President in 1993.<sup>387</sup> Seeking to ameliorate CMs' discontent at Disneyland Paris, Bourguignon for two years held bi-weekly breakfasts with the CMs to learn from them how he could improve the Resort.<sup>388</sup> Encouraging management and supervisors to hold a similar type of "round table" with WDW's CMs would be likewise beneficial. This could take the form of periodic group meals prior to the Parks' daily opening, or in a special meeting or retreat during off hours. The form is less important than the function of uniting management and supervisors with CMs and the focus upon learning from the CMs' experience. Management should be explicit with the CMs about their desire to learn so they can improve the Resort and should encourage CMs to be entirely frank. A possible technique is for management to ask CMs to devote one session entirely to criticizing Disney or WDW, or both, and to stating their desires for improvement. Another session may focus upon what the CMs feel Disney does well. To reap the full benefit of these discussions, management and supervisors must convey sincerely that there will be no negative repercussions to voicing complaints.<sup>389</sup> Conducting these meetings over a meal may contribute to the desired sense of informality and may encourage forthright exchange.

By recognizing CMs' particular status in the field of interacting with guests in this way, Disney would gain valuable insight about how to

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387. See *Executive Profile: Philippe E. M. Bourguignon*, BLOOMBERG BUSINESSWEEK, <http://investing.businessweek.com/research/stocks/private/person.asp?personId=704279&privcapId=1080302&previousCapId=661147&previousTitle=Zipcar,%20Inc>. (last visited July 11, 2012) (noting Bourguignon served as President of Euro Disney S.A. beginning in 1993).

388. See *The Kingdom Inside a Republic*, *supra* note 133.

389. Disney already offers CMs a bulletin board on which to post grievances for further review at complaint sessions. But as Kuenz observes, "[T]he efficacy of the [complaint session] varies with employee status and area: Permanent full-timers brag about their complaint sessions while the more contingent among them fear a trick wherein the meetings serve to isolate not the problems people are having, but the people calling them to management's attention." THE PROJECT ON DISNEY, *supra* note 29, at 126. In contrast, Hochschild notes that flight attendants are actually encouraged to vent their concerns and emotions to their supervisors so that they do not take them out on passengers. HOCHSCHILD, *supra* note 112, at 118. Because this is a well-established and accepted policy, flight attendants presumably feel comfortable voicing complaints. Cast Members' more tenuous job security implies that Disney may have to make a very concerted effort to convince CMs that their positions will not be compromised by their honest participation in these meetings.

improve the Resort. Establishing personal contact between the various Disney employees would foster a sense of affiliation between the ranks. Additionally, giving CMs an opportunity to contribute their points of view in this type of Resort-wide meeting would help them to feel appreciated by Disney, thereby allowing them to view the Company less as an anonymous autocracy, and more as a concerned seeker of advice.

### 3. Credit Cast Members for Their Ideas

Disney's current means of soliciting CM ideas<sup>390</sup> risks stimulating more negative emotions than positive ones because CMs may not receive credit for their contribution, since Disney owns any idea that CMs have on property and may not give recognition to the CM who offered the suggestion.<sup>391</sup> Soliciting ideas and not affording recognition stimulates negative emotions because the CMs feel unappreciated for their efforts. Disney could alleviate this problem by giving CMs some form of named recognition when they offer an idea that Disney subsequently incorporates in the Resort, whether it be by naming the CM in the press release Disney issues to announce the new initiative (in the case of a major idea) or simply by announcing in a Company-wide newsletter who was responsible (for a more minor change). Sharing credit with an idea's originator should not diminish the value of the idea from Disney's standpoint because the CM is part of the Company; it does, however, express appreciation of the merit of the idea, and it encourages CMs to be forthcoming with future concepts. Disney can benefit both from an increase in CM input and from the increased positive emotions from CMs whose concerns for appreciation are met.

### 4. Clarify Criteria for Job Security and Advancement

Some CMs have difficulty building affiliation with Disney as effectively as they could because they are hired on a temporary or part-time basis with the understood threat of arbitrary dismissal;<sup>392</sup> further, they see the path to promotion as paved with favoritism that belies Disney's supposed

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390. See *supra* notes 278-80 and accompanying text.

391. See THE PROJECT ON DISNEY, *supra* note 29, at 126 (“[T]echnically, Disney owns any idea its workers have on property, a fact they attest to when they sign, sometimes unwittingly, a statement to that effect when they turn in their idea.”). Kuenz provides two examples of CMs who claimed to offer ideas to Disney that the Company subsequently profited from without giving credit to the CMs. *Id.* at 126 n.23.

392. See *supra* notes 316-20 and accompanying text.



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commitment to equal opportunity in advancement.<sup>393</sup> Disney could take steps to rectify this situation and to address CMs' status and affiliation concerns by clarifying at the outset the Company's hiring and promotion practices. One such measure could involve separate interviewing processes for potential CMs seeking seasonal and permanent work, rather than placing all CMs on an initial probationary status and offering the possibility of securing a more permanent position. Another suggestion is increased use of supervisors' CM reviews with objective assessment criteria to make advancement decisions, provided that all CMs are reviewed by multiple supervisors. This could perhaps be coupled with a supervisor rotation system so that no individual superior would have sole authority over a particular CM's advancement, as multiple supervisors would observe and evaluate CMs' On Stage performance. If CMs were less preoccupied with securing and advancing their employment, they could be more focused upon building affiliations with their colleagues; that is, without fear that their job hangs in the balance of an individual superior's whims, they could concentrate less on earning his favor than on finding personal connections with CMs in other groups. As the situation currently stands, Disney's hiring and advancement practices could potentially foster unnecessary competition and emotional isolation.<sup>394</sup> Clarifying the Company's expectations at the outset and reducing the possibility of favoritism as a factor in promotions would stimulate positive emotions by giving CMs the security necessary to affiliate.

5. Enable Cast Members to Shape Their Roles by (a) Increasing Cast Members' Ability to Create Magic and (b) Brainstorming with Cast Members New Ideas for Their Spiels

During Disney's "Year of a Million Dreams," CMs had increased power to create magic for guests by granting them special surprises and making their Disney dreams come true.<sup>395</sup> Examples of this power included handing out Dream FastPasses at the CMs' discretion.<sup>396</sup> This type of initiative expands CMs' autonomy and makes their role as CMs more fulfilling by

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393. See, e.g., *supra* notes 251, 315 and accompanying text.

394. See *supra* notes 326-30.

395. See *Disney Makes History! Magic Kingdom Opens For Only One (Very Lucky) Family As Disney Parks Kick Off 'Year of a Million Dreams'* (Oct. 4, 2006), available at <http://multivu.prnewswire.com/mnr/disney/25613>.

396. See *supra* Part III.A (discussing distribution of Dream FastPasses at random).

allowing them to play a more direct part in enhancing the guest experience. Disney should continue increasing CMs' power to please guests even now that the "Year of a Million Dreams" initiative has ended. Helping CMs to feel that they have a direct impact upon guests' enjoyment of the WDW experience would inspire CMs because it would lend more meaning to what can be otherwise a monotonous and suffocatingly scripted job. In other words, increasing CMs' power would make their role more fulfilling. Moreover, expanding CMs' autonomy in this way would serve Disney's stated commitment to guest service—it would simply do so in a way that makes CMs more Disney's partners in the effort, rather than its servants.

A corollary to this concept is joint brainstorming with CMs new ideas for their spiels, particularly in the Entertainment and Attractions divisions. Collaborating on ways to update CMs' spoken scripts would make CMs feel more appreciated because their insight would be sought and incorporated into the final Disney product. It would also enhance their autonomy over their jobs and increase their ability to shape fulfilling roles for themselves. If CMs perceived themselves less like automatons and more like contributors to the Disney vision, their positive emotions would likely increase accordingly. A willingness to brainstorm jointly with CMs would cost the Company little or nothing and would likely result in the benefits of new, creative ideas and happier CMs.

#### 6. Sponsor Events That Foster Cross-Area Interaction

Since CMs report that they do not associate with their peers in other areas of the Resort, Disney may choose to provide CMs with social events that foster interactions between CMs outside of their own work groups. Disney's current efforts to encourage cross-area socialization are thwarted by the fact that CMs tend to arrive at the events with their sets of friends from work and to stay with those friends throughout the duration of the events, such that they do not expand their network of associations. Increasing the number of social events, such as team-building exercises, that randomly assign CMs into groups so that they meet people from other areas of the Resort could help CMs to build broader affiliations throughout Disney. Ideally, these social events should involve management and supervisory CMs to reduce the emotional distance between CMs at all levels. A similar function could be performed by a Disney retreat to which all WDW executives, supervisors, and CMs are invited and at which there are activities that encourage cross-area socialization. This presents practical difficulties and expenses, however, since Disney Parks are open 365 days a year.

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### 7. Build a Monument to Cast Members' Contributions

Many CMs see themselves as laboring for an anonymous corporate entity that does not know or care about them. Disney could address this sentiment at the symbolic level by building some type of road or structure (not necessarily something in the Parks) with bricks or blocks that bear the CMs' names on them. The structure should be designed to accommodate future CMs as they are hired and become part of the Disney family. Disney employs a similar concept for guests at Epcot's Leave a Legacy sculpture,<sup>397</sup> which allows guests to purchase tiles emblazoned with their name and likeness and have them added to the monument for future generations to see. Through Leave a Legacy, guests can feel that they are a part of Disney's history and that they have made their mark on WDW. Disney should offer CMs a similar opportunity as a visual reminder that Disney is built on the strength of its CMs. Being celebrated as part of Disney's history could make CMs feel more closely affiliated with Disney and more appreciated by the Company as individually important persons, rather than as interchangeable workers.

### 8. Sponsor Periodic Role Reversal Days

As a technique for building affiliation between the various levels of CMs and for fostering appreciation at the upper levels for what the CMs do, Disney might sponsor a role reversal day (or part of a day), in which management and supervisors perform the duties of CMs and operate a Park, while the CMs act as valued guests. Having the upper-level CMs walk in the lower-level CMs' shoes for a brief time would likely help the supervisory CMs to understand and see the merit in the CMs' grievances, and would likely encourage the supervisory CMs to treat the lower-level CMs with a new sense of respect. Practical difficulties of this suggestion are evident, including whether the supervisory CMs would be sufficient in number and training to operate a Park, and whether the role reversal could occur before or after the Park's opening hours and still leave sufficient time for it to be prepared for guests the next day. These obstacles probably render the role reversal suggestion impractical on the large scale, but perhaps a comparable concept could be executed on a smaller scale, like a special company breakfast cooked, served, and cleaned up by management

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397. See *Attractions*, *supra* note 1.

and enjoyed by the CMs. Seeing the Company make a concerted effort to appreciate CMs may itself result in an increase of positive emotions.

## VI. CONCLUSION: THE HPOE AND CORPORATE SUCCESS; DISNEY'S REPORT CARD; LESSONS TO BORROW FROM DISNEY

### A. *The Significance to Disney's Corporate Success of Creating Happiness*

Disney's Parks and Resorts reaped \$11.797 billion in revenues in 2011 and the Company overall earned a net income of \$4.807 billion.<sup>398</sup> To many, this would seem a clear indication of the Company's success: Such a staggering dollar amount must be a reliable proxy for Disney's capability to negotiate successfully with guests and CMs, as Disney surely could not attract visitors and retain employees otherwise. This view asserts that being called the HPOE is an endearing phrase and useful in advertising, but is not necessarily intrinsic to WDW's corporate success—a concept better captured by its stock price.

Such a purely numbers-based assessment of Disney's corporate value falls short of capturing the spirit of the Company's founder and the essential vision behind the Disney empire. Walt Disney perceived his flagship Resort as something more than a profitable entertainment center: "Disneyland is not just another amusement park. It's unique, and I want it kept that way. Besides, you don't work for a dollar—you work to create and have fun."<sup>399</sup> Walt Disney described the essence of his business as "making people, especially children, happy."<sup>400</sup> Thus, as Disney perceived it, success and the creation of happiness are inextricably linked. If WDW cannot justifiably be deemed the HPOE, then in Walt Disney's eyes the Company is failing.

### B. *Disney's Negotiation Report Card*

Disney's success in meeting its counterparties' Core Concerns differs markedly in its negotiations with guests and with CMs. To a great extent, the Company treats guests like royalty, catering to their whims and solving their problems. From a guest's perspective, WDW may truly be the HPOE:

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398. *Annual Report*, *supra* note 7, at 26, 29. This net income figure represents only net income attributable to the Company, and excludes net income attributable to noncontrolling interest. *Id.* at 26.

399. *Walt Disney Quotes*, DISNEY DREAMER, <http://www.disneydreamer.com/walt/quotes.htm> (last visited July 11, 2012).

400. *Id.*

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For the price of a ticket and some sacrifice in autonomy, he may reap the rewards of a fantasy world constructed for his pleasure, in which he is freed from daily responsibilities (or, in the case of children, afforded new authority), perceived as a quasi celebrity, and tasked only with enjoying the carefully designed entertainment and interacting with friendly CMs eager to make him smile. While not every interpersonal encounter induces happiness, the majority of them do. The guest is left feeling quite content with his experience and reluctant to leave the magical world where he is king.

Cast Members would have a much more difficult time affirming WDW's claim of being the HPOE. Some CMs feel that Disney treats them as peons who exist to serve those of higher status and then mollifies them with occasional rewards for their efforts. These CMs believe that the Company strips them of their autonomy and in return pays them a pittance—they feel isolated from their colleagues and unacknowledged by their employer. The saving grace of their situation is the sense of magic they perceive in their surroundings and in what they do, and in the fact that Disney builds affiliation with many CMs early in their Disney careers through the College Program.

As this indicates, Disney's efforts to stimulate positive emotions are much more effective in negotiations with guests than they are with CMs. This is largely attributable to the different attitude Disney adopts towards the two groups: Disney recognizes that guests have power over the Company in their prerogative not to patronize the Disney brand, while it interacts with CMs from a position of greater authority. Disney would be best served by simply addressing guests' Core Concerns in the areas in which it is weak, but by broadly rethinking its approach to CMs and treating them as valuable members of the Disney community. Even a company that recruits young and temporary workers as masterfully as Disney does is built on the strength of its employees. Addressing CMs' Core Concerns as suggested above would justify WDW's claim to be the HPOE. As it currently stands, Disney would be more accurate if it were to say WDW is the "happiest place on Earth—but you wouldn't want to live there."

### *C. Implications for Other Companies*

Few companies share Disney's unique commitment to happiness, yet all could benefit from two of its most important lessons. First, a company should strive to understand that its existence depends equally upon its customers and its employees, and it should value them accordingly. This is

particularly true for a company that provides non-necessities, such as Disney, but the concept is just as valid in any market economy in which there is a choice of firms to patronize. In keeping with this lesson, a company should seek negotiation training to learn how to become aware of and to address customers' and employees' Core Concerns. The initial costs of emotions training will be repaid with increased demand for the service or product and a more productive, happier workforce; that is, learning how to deal effectively with emotions eliminates some of the costs and externalities associated with negative emotions.

Second, a company should have a vision of what it wants to become. Like Walt Disney's dream of creating entertainment that would make the whole world happy, this conceptual commitment directs focus away from black and white numbers and toward the company's greater mission, whether that mission be to make customers happy with their cable service or to develop a cure for Alzheimer's disease. Disney's founder claimed, "I can never stand still. I must explore and experiment. I am never satisfied with my work. I resent the limitations of my own imagination."<sup>401</sup> Expanding the corporate vision beyond what was known in the past and what is done in the present creates the opportunity to do as Walt Disney did: to dream about and shape the future.

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401. *Id.*

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APPENDIX A: DISNEY-SPEAK<sup>402</sup>

**Adventureland:** A section of the Magic Kingdom with jungle- and adventure-themed rides and attractions.

**Attractions** (attractions or Attractions): Rides and audio-animatronic shows at the Parks; also a division of CMs who operate the attractions at the Parks.

**Audio-Animatronics:** A registered trademark form of robotics created by Walt Disney Imagineering for use in Disney attractions and shows.

**Captain Jack Sparrow:** A Disney character played by Johnny Depp in Disney's recent *Pirates of the Caribbean* films. A rogue pirate constantly sought after and escaping from both British officials and his fellow pirates. A relatively recent addition to the Magic Kingdom's Pirates of the Caribbean attraction, and star of "Captain Jack Sparrow's Pirate Tutorial," a Magic Kingdom side show.

**Cast Members** (Cast Members or CMs): All Resort employees, from costumed Characters to groundskeepers.

**Characters** (Characters): Cast Members costumed as Disney characters.

**Cinderella Castle** (the Castle): The central focus and most prominent feature of the Magic Kingdom.

**City Hall:** A Guest Relations location designed to look like a city hall, located on Main Street.

**Disney College Program** (the College Program): An internship program through which college students can work as CMs while being paid and sometimes receiving college credit.

**Disney University:** Disney's training center, developed by Walt Disney, participation at which is required of every CM. Disney University should be considered a "process, not an institution."<sup>403</sup>

**Disney's Animal Kingdom Park** (the Animal Kingdom): A WDW Park with an adventure/safari theme, which features live animals from Africa.

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402. See generally DISNEY, *supra* note 1.

403. CAPODAGLI & JACKSON, *supra* note 32, at 132.

**Disney's Contemporary Resort** (the Contemporary): A WDW deluxe resort hotel near, and with monorail service to, the Magic Kingdom.

**Disney's Hollywood Studios** (Hollywood Studios): Walt Disney World's Hollywood-themed Park, part of WDW. Hollywood Studios was previously named "Disney-MGM Studios."<sup>404</sup>

**Disneyland Resort** (Disneyland): Disney's first Resort, located in Anaheim, California. The only Resort that Walt Disney lived to see open to the public.

**Disneyland Resort Paris** (Disneyland Paris): Disney's fourth Resort, located in Marne-la-Vallée, France. On October 1, 1994, the Park's name was officially changed from Euro Disneyland to Disneyland Paris.<sup>405</sup> In March 2002, the Resort's name was officially changed again to Disneyland Resort Paris.<sup>406</sup>

**Entertainment** (Entertainment): A division of CMs who act in shows and parades in the Parks.

**Epcot**: A WDW Park divided into the future-themed Future World and the culturally-focused World Showcase.

**Extra Magic Hours** (Extra Magic Hours): Periodic promotions for hotel guests, during which a certain Park opens earlier or closes later for hotel guests only.

**Fantasyland**: A section of the Magic Kingdom that has the most child-friendly rides and a fairy tale theme. Fantasyland is currently being expanded, with new rides and attractions scheduled to open through 2014.<sup>407</sup>

**FastPass** (FastPass): A form of free attraction reservation system in which guests use their Park ticket to obtain a pass to return to the attraction in a specified hour range. Upon return, guests are permitted to use a special, much shorter line designated for use only by the holders of FastPasses for that specified return time.

**Frontierland**: A section of the Magic Kingdom with American West-themed rides and attractions.

**Future World**: A section of Epcot featuring rides and attractions with an innovation and technology theme.

**Guest Communications** (Guest Communications): Walt Disney World's guest communications department, to which guests can write or email their comments, complaints, and suggestions.

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404. See FACT BOOK 2005, *supra* note 56, at 62.

405. *About Our Company: Our Story*, DISNEYLAND PARIS, <http://corporate.disneylandparis.com/about-our-company/our-story/> (last visited July 10, 2012).

406. *Id.*

407. See *Magic Kingdom Park: Overview*, WALT DISNEY WORLD, <http://disneyworld.disney.go.com/parks/magic-kingdom/> (last visited July 13, 2012).



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**Guest Relations** (Guest Relations): Customer service centers throughout the Resort, at which guests can obtain information, lodge complaints, and make reservations.

**Guest Service Fanatic** (Guest Service Fanatic): Title awarded to a CM who exhibits exceptional customer service.

**Guests**: Resort visitors and patrons.<sup>408</sup>

**Happiest Place on Earth** (the Happiest Place on Earth or the HPOE): The phrase Walt Disney initially used to describe Disneyland, now used by the media when referring to any of the Resorts.

**The Hollywood Brown Derby** (the Derby): One of WDW's "Fine/Signature Dining" restaurants celebrating the "Golden Age of Hollywood," located at Hollywood Studios.<sup>409</sup>

**Imagineers** (Imagineers): Employees of Walt Disney Imagineering, the research and development arm of the Parks and Resorts.

**Magic Kingdom**: The focal point of WDW and the main area of attractions, restaurants, and shops. The Magic Kingdom is divided into several themed "Lands," all of which surround the Castle.

**Main Street, U.S.A.** (Main Street): The main walkway in the Magic Kingdom, lined with shops and restaurants. The only entrance to the Magic Kingdom's attractions.

**On Stage** (On Stage): In public view—anywhere a CM can be seen by a guest.<sup>410</sup>

**Park** (Park): Disney theme park, including the park grounds, rides, restaurants, and attractions. Where the context suggests, CMs may be considered part of the Park.

**Resort** (Resort): Disney resort property, consisting of (unless otherwise indicated): Parks, hotels, all entertainment facilities, and the transportation systems that connect them.

**Traditions** (Traditions): Disney training program undergone by all CMs at Disney University that educates them about Disney culture and values and instructs them in Disney's customer service guidelines.

**Transportation** (Transportation): A department of CMs who operate the Disney transportation system, which includes buses, monorails, trams, and ferries.

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408. This terminology derives from Walt Disney, who, at the opening of Disneyland, established the motto, "At Disneyland, the visitors are our guests." CAPODAGLI & JACKSON, *supra* note 32, at 59 (internal quotations omitted).

409. See *Restaurants*, *supra* note 70.

410. THE PROJECT ON DISNEY, *supra* note 29, at 114 (internal quotations omitted).

**Transportation and Ticket Center:** Walt Disney World's main transportation and ticket vending hub, adjacent and with tram service to the Magic Kingdom parking area.

**Walt Disney:** Disney's founder and the creative force behind the Resorts.

**The Walt Disney Company** (Disney or the Company): The Anaheim, California-based entertainment company founded by Walt Disney.

**Walt Disney World Resort** (Walt Disney World or WDW): Disney's second Resort, located in Lake Buena Vista, Florida.

**World Showcase:** A section of Epcot with pavilions containing shows, attractions, and restaurants representing the culture and cuisine of eleven countries.

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#### APPENDIX B: NEGOTIATION JARGON

**Acquired Gestures:** Actions or gestures with no particular known origin or logic, except that they are widely used and understood by certain groups of people. Examples include the “OK” sign and waving hello and goodbye.<sup>411</sup>

**Affiliation:** “One’s sense of connectedness with another person or group . . . .”<sup>412</sup>

**Appreciation:** (1) A “sense of valued recognition.” (2) The act of, “understanding someone’s point of view; finding merit in [his] thinking, feeling, or actions; and communicating that understanding.”<sup>413</sup>

**Autonomy:** “The freedom to affect or make decisions without imposition from others.”<sup>414</sup>

**Business Cultures:** “[S]hared mental models that the members of an organization hold and take for granted’ and that facilitate its success.”<sup>415</sup>

**Conventional Roles:** “[C]ommonly accepted roles that people play within an organization or community.”<sup>416</sup>

**Core Concern:** “A human want of personal significance, usually arising within a relationship.”<sup>417</sup>

**Deep Acting:** Recalling past emotive memories to evoke the same emotions in the present for the purpose of convincing the actor that he is actually experiencing the emotion he wishes to portray to his audience.<sup>418</sup>

**Emotion:** “An experience to matters of personal significance; typically experienced in association with a distinct type of physical feeling, thought, physiology, and action tendency.”<sup>419</sup>

**Emotional Labor:** “The management of feeling to create a publicly observable facial and bodily display . . . .”<sup>420</sup>

411. AXTELL, *supra* note 118, at 5.

412. FISHER & SHAPIRO, *supra* note 22, at 211.

413. *Id.*

414. *Id.*

415. Anthony Wanis-St. John, *Cultural Pathways in Negotiation and Conflict Management*, in THE HANDBOOK OF DISPUTE RESOLUTION 118, 119-20 (Michael L. Moffitt & Robert C. Bordone eds., 2005) (internal citations omitted).

416. FISHER & SHAPIRO, *supra* note 22, at 118.

417. *Id.* at 210.

418. See HOCHSCHILD, *supra* note 112, at 41-42.

419. FISHER & SHAPIRO, *supra* note 22, at 209.

420. HOCHSCHILD, *supra* note 112, at 7 n.\*.

**Feeling:** A physical sensation or emotion-laden belief.<sup>421</sup>

**Happiness:** A positive emotion generally understood to refer to a state involving positive feelings or positive judgments about feelings.<sup>422</sup>

**Instinctive Gestures:** Actions or gestures done almost unconsciously. These have approximately the same meaning across cultures. Examples include raising the eyebrows and wrinkling the forehead in greeting to symbolize openness, and crossing the arms in front of the chest to symbolize defensiveness.<sup>423</sup>

**Level One Happiness:** A transient emotion akin to joy or pleasure, stimulated by the attainment of a desired state and involving little cognition beyond recognition that the desired state is attained.<sup>424</sup>

**Level Two Happiness:** Upon reflection, a judgment that the balance of life's pleasures outweighs its pains over the long term. Akin to contentment or satisfaction.<sup>425</sup>

**Meta-message:** Meaningful, inexplicit message contained within explicit statements.<sup>426</sup>

**Negative Emotion:** Distressing emotions that typically result from having a concern be unmet.<sup>427</sup>

**Negotiation:** All back-and-forth communication designed to reach an agreement where the parties have some shared and some opposing interests.<sup>428</sup> More broadly, all interpersonal interactions.

**Particular Status:** A person's relative standing within a narrowly defined substantive field.<sup>429</sup>

**Pleasure of Uncertainty Hypothesis:** Theory that people automatically attempt to make sense of events to which they react emotionally, and if successful, they adapt to them emotionally (i.e., have a less intense emotional reaction to them), such that pleasure can be sustained longer by uncertainty as to its cause.<sup>430</sup>

**Pleasures:** Ephemeral delights with clear sensory and strong emotional components, requiring little or no thinking.<sup>431</sup>

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421. FISHER & SHAPIRO, *supra* note 22, at 210.

422. NETTLE, *supra* note 16, at 29.

423. AXTELL, *supra* note 118, at 4 (internal citations omitted).

424. NETTLE, *supra* note 16, at 17.

425. *Id.*

426. *See* FISHER & SHAPIRO, *supra* note 22, at 29.

427. *Id.* at 210.

428. FISHER, URY & PATTON, *supra* note 21, at xvii.

429. FISHER & SHAPIRO, *supra* note 22, at 99.

430. *See* Wilson, Centerbar, Kermer & Gilbert, *supra* note 58, at 6.

431. SELIGMAN, *supra* note 17, at 102.

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**Positive Emotions:** “Uplifting emotions usually resulting from a concern being satisfied.”<sup>432</sup>

**Present Happiness:** A combination of gratifications (activities people like doing that engage them fully, causing them to lose self-consciousness) and pleasures.<sup>433</sup>

**Role:** “A *job label* and corresponding *set of activities* expected of a person in a specific situation.”<sup>434</sup>

**Social Status:** Level to which someone is regarded as someone important or famous.<sup>435</sup>

**Status:** “One’s standing in comparison to the standing of others.”<sup>436</sup>

**Structural Connections:** Roles that place people in a common group.<sup>437</sup>

**Surface Acting:** Pretending in which the actor changes his outward appearance to portray the desired emotion to the audience, but does not actually experience the emotion that he portrays.<sup>438</sup>

**Temporary Roles:** Roles that change based upon how the person acts in the moment.<sup>439</sup>

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432. FISHER & SHAPIRO, *supra* note 22, at 209.

433. SELIGMAN, *supra* note 17, at 102.

434. FISHER & SHAPIRO, *supra* note 22, at 211 (emphasis in original).

435. *Id.* at 96.

436. *Id.* at 211.

437. *Id.* at 54.

438. *See* HOCHSCHILD, *supra* note 112, at 33, 35.

439. FISHER & SHAPIRO, *supra* note 22, at 128 (“In a negotiation, you have the freedom to play such temporary roles as listener, arguer, or problem solver.”).

## APPENDIX C: HIGHLIGHTS OF THE DISNEY LOOK

**All Cast Members**

All CMs (with some modifications for Characters) must wear name tags on their left shoulder area and a maximum of two approved pins on their right shoulders; their shirts must be tucked in and their ties tied.<sup>440</sup> Sunglasses are prohibited except when not wearing them would impede safe or effective work.<sup>441</sup> When worn, they must have neutral-colored (no blue, green, pink, etc.) lenses and frames.<sup>442</sup> Body alterations, such as visible tattoos, piercings (except “traditional” ear piercings for women only), tooth fillings, or earlobe expansions are prohibited.<sup>443</sup> Antiperspirant or deodorant must be used.<sup>444</sup>

**Female Cast Members:**

Women must keep their hair “neatly combed and arranged in a classic, easy-to-maintain style.”<sup>445</sup> Makeup must be neutral in color and complementary to the skin tone. Earrings must be smaller than two centimeters in diameter, heels must be between two and ten centimeters high, and skirts must be eight centimeters above the knee.<sup>446</sup>

**Male Cast Members:**

Men must be clean-shaved, except for a “neatly trimmed” mustache that does not extend beyond or below the corners of the mouth. (Pictorial examples are provided.)

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440. *The Disney Look*, *supra* note 235.

441. *Id.*

442. *Id.*

443. *Id.*

444. *Id.*

445. *Id.*

446. Forman, *supra* note 102, at 251-52.

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**Acceptable**



**Not Acceptable**



Such mustache must be fully grown as of the CM's hire date or during a vacation or non-working period.<sup>447</sup> Hair must be "neat, natural, and balanced proportionally," but may not extend beyond or cover any part of the ears or shirt collar.<sup>448</sup> Sideburns must be confined to extend no longer than the bottom of the earlobe.<sup>449</sup> Fingernails must be trimmed not to extend beyond the length of the fingertip.<sup>450</sup>

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447. *The Disney Look*, *supra* note 235.

448. *Id.*

449. *Id.*

450. *Id.*