

Introduction: The Second Generation of Negotiation Teaching

*Christopher Honeyman, James Coben & Giuseppe De Palo**

What's a "field"? Where does it begin,
where does it end, what does it contain?

Most fields have fairly good answers for the questions posed above. Study medicine or architecture in Beijing, in this early part of the 21st century, and you are likely to get many of the same courses as if you had studied in Boston. Yet even in medicine, the beneficiary of more than a hundred years of particularly expensive, intensive and scientific investment, the differences among professionals' answers to these questions are striking. What about acupuncture? Is chiropractic in, or out? Does holistic medicine deserve an honored role, or the sound a duck makes? Look back "only" a hundred years in medicine – which has been taught as a profession, after all, for millennia – and you find doubts far worse, with much that is now thought bogus given time in the most respected curricula. Still, some of the key and enduring elements were in place by then; demand

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was growing for more rigorous, organized training; the scientific method had vanquished many ancient forms of quackery (demand for leeches was already down sharply). The outlines of modern medicine were becoming imaginable, if not yet fully visible, with many of the sub-disciplines making up present-day medicine yet to be invented. And that, we suggest, is roughly analogous to where the field of negotiation and conflict management stands today.

From this point of view, we have made incremental progress for a generation, the 25 years since the first issue of *Negotiation Journal*, in which then-editor Jeffrey Z. Rubin remarked that "... the field of dispute settlement is so broad, encompassing so many forms of theory and practice, that no one of us knows the full contours of the terrain" (Rubin 1985: 6). Yet Rubin's remark remains more true than not.

The completion of one generation offers a classic moment to take stock in full of any social innovation. By some measures, including market success across a variety of disciplines, the teaching of negotiation has been a great success story, and has been relatively consistent. The cohesiveness and attractiveness of the interest-based model across law, business, public policy, international relations, urban planning, and other fields have been remarkable. From a base of essentially zero courses in 1979, nearly every law or business school in the U.S. now has at least one course in negotiation, and many other countries are at various points on the same path. But that very success has combined with the inchoate nature of an interdisciplinary field to mask the inherent challenge created by the separate discoveries of many disciplines.

Over the last three decades those discoveries have been many. But by and large, they have not yet been incorporated in current teaching in any organized or consistent way. This book, together with the simultaneous publication of the Spring 2009 issue of *Negotiation Journal*, [Volume 25(2), with a special section guest-edited by the same editors], marks the first results of an interdisciplinary effort to make sense of these discoveries. We intend to revamp the teaching of our field across many settings and cultures.

Background

Several overlapping chains of events led to this venture. One chain of activity culminated in late 2006, when Andrea Schneider and Christopher Honeyman published *The Negotiator's Fieldbook* (ABA 2006), a reference book which pulled together the largest and most diverse cross-section of ideas and concepts about negotiation yet seen. The 80 chapter authors included leading figures from almost 30 academic disciplines and practice specialties. Relatively few of the topics covered were then being taught in a typical negotiation

course, except in whatever field had originated the particular finding.

Initially, that was not seen as a matter of immediate concern for the teaching of basic negotiation, because one of the goals of the *Fieldbook* was to foster the development of advanced courses in negotiation, and most of the material in the book was considered more appropriate for that setting. Six months later, however, Honeyman published an article (Honeyman 2007) which amounted to a challenge to his own previous point of view: a supposedly simple real estate transaction had left him with the uneasy feeling that a great deal of knowledge that one might require to understand or be successful at “basic” negotiation was only now being considered even for “advanced” courses.

At the same time, a second initiative – a three-year, four-country, six-university project to develop transnational alternative dispute resolution curricula, started by James Coben and Giuseppe De Palo – was reaching related conclusions. Together, we decided to mount a new interdisciplinary project that would follow up on both streams of inquiry. And then, we were fortunate enough to be able to tap into, and contribute to, a third and distinguished stream: the series of discussions of how to teach and what to teach in negotiation which has characterized the Program on Negotiation at Harvard Law School and its primary journal, *Negotiation Journal*.

In short order, it became apparent that many experienced negotiation teachers were open to the possibility that the field might be ripe for a comprehensive attempt to rethink what is taught and how it is taught in basic negotiation courses. The result was a collaboration between Hamline University Law School’s Dispute Resolution Institute, ADR Center (Rome), the JAMS Foundation, *Negotiation Journal*, and many of those who had contributed to the *Fieldbook*. We planned a three-year effort under the name The Developing Second Education Global Education Project. The formal start was in May, 2008, at a four-day meeting in Rome. This meeting was intended to produce a first set of writings that might serve as a kind of blueprint for adaptation of short courses in negotiation, to take account of recent discoveries and to confront the challenge of teaching them in cross-cultural settings. This book contains 22 of those writings. Another eight,¹ selected as a representative sample of the whole, constitute most of the Spring 2009 edition of the *Negotiation Journal*.

Because we agreed that Western, particularly American, concepts have infused the first generation of negotiation teaching throughout, we felt that the most appropriate way to assess any effort to produce “version 2.0” updates of typical teaching methods and topics would be to try them out promptly in other cultures, to the extent feasible. We have therefore scheduled the second round

of the effort for Istanbul in late 2009; in 2010, the initiative will move farther East.

This book, however, is the spine of the entire effort. We anticipate two more editions in quick succession, to organize and promulgate as quickly as possible the latest teaching ideas of our dozens of colleagues in this venture.

Sampling the Best of Version 1.0

As noted above, the first public event of this initiative occurred in Rome, Italy in May, 2008. We organized and offered an “executive” two-day training course in basic negotiation, with primarily Italian students. The course was typical of such two-day courses in one respect, and untypical in two others. We (and our distinguished advisory team, see *Acknowledgements* in this volume) agreed that the subject matter chosen was mainstream, if not universal, for such short courses. Less typical was the use of six different teachers, each given about two hours of class time. This was done so that each module of the class would be presented by an instructor regarded by peers as particularly adept at that subject. Our intent was to present the course at an unexceptionable “benchmark” standard, so that anything new would be weighed against the best of current practice.

An even more untypical element was that the instructors were observed not just by the 30 students, but by 50 of the instructors’ peers. (This was *so* untypical that it surprised even us; we had anticipated that most of these extremely experienced negotiation teachers, invited to a four-day meeting in May in Rome, would choose to spend the two days of the executive course mostly touring the city, rather than sitting in a cramped room watching material that they had seen or presented themselves many times before. Their dedication created a space crunch.)

Following the observed teaching, the students were presented with the customary certificates, and then excused, while the scholars convened for two days of analysis and rethinking. They were encouraged to form interdisciplinary, and when possible, transnational, teams for purposes of writing the initial round of articles and book chapters. This first edition includes the majority of the 30 works completed to date.

Rethinking, in Stages

The software-derived imagery of version 1.0, version 2.0, etc., seems appropriate for an effort that logically can never reach more than an interim conclusion, if our field is to continue to develop. It also allows for the concept of a beta or test version. Indeed, the 30 writings that make up this year’s output of the initiative might best be understood as a beta version of what will come over the next few years. Thanks to funding offered by the JAMS Foundation, we are able to

produce this book within one year of the first conference. Also, through prearrangement with *Negotiation Journal*, we knew that its April 2009 edition would be essentially devoted to the outcome of these discussions. The two publications are complementary.

Subject to the request for interdisciplinary collaboration where possible, our colleagues were given great latitude to decide for themselves what topic or what approach seemed most attractive and most appropriate to write about for this first year of the effort. Several of our colleagues found themselves rethinking fundamental aspects of our field and its teaching. As with the other ideas adopted by other colleagues, we have divided these broad thematic pieces between this book and the special *Journal* issue in a fashion that we believe presents a cohesive set in each venue.

As a matter of convenience, we present the chapters which follow under five headings:

The Big Picture

Negotiation as a Post-Modern Process

Kenneth Fox

What do negotiation teachers think negotiation is all about? Fox says it's time for us all to adapt to a wide range of phenomena which are not yet on the minds of negotiators or their teachers. These include globalization, better understanding of the intractability of some conflicts, and transfer of knowledge from very specific contexts such as hostage negotiation into general use, among others. Together they demonstrate that even though we don't recognize it, we have an ideology, one that warrants rethinking from front to back.

Finding Common Ground in the Soil of Culture

Phyllis Bernard

Much of the purpose of conducting international training in negotiation, Bernard points out, is to facilitate international trade. Showing how international trade is affected by a host of business, faith-based and traditional customs for which typical international negotiators are ill-prepared, she explicitly places these on the table so that they can be taken into account fairly. The key to success, she argues, is to train for modern transactions but in closer alignment with the social environments where they take place.

Reflective Practice in the New Millennium

Michelle LeBaron & Mario Patera

LeBaron and Patera use their own cultures – Canadian and Austrian respectively – to examine the teaching assumptions of a group of top-flight teachers of negotiation. They discover a number of un-

stated theoretical assumptions, heavily influenced by Western thought in general and U.S. culture in particular, and demonstrate alternate assumptions which might better guide second generation training.

New Subjects for a New Age

I'm Curious: Can We Teach Curiosity?

Chris Guthrie

Guthrie's curiosity was aroused by a peculiar lack of convincing theory, well-designed research, or consistent conceptualization of curiosity, even though the negotiation literature is replete with glib references to the need for curiosity on all sides. In this chapter he analyzes techniques which trigger curiosity and recommends curiosity-enhancing teaching strategies.

Negotiating Your Public Identity: Women's Path to Power

Catherine Tinsley, Sandra Cheldelin, Andrea Schneider & Emily Amanatullah

The authors use the extraordinary 2008 phenomenon of female presidential and vice-presidential candidates in the main U.S. political parties to examine what obstacles remain for women, as they seek to negotiate access to the highest roles in society – and not just governmental roles. After detailing how Hillary Clinton and Sarah Palin fell foul of one or the other of a matched pair of “gotchas” in how people evaluate ambitious women, they outline a strategy for negotiating gender that is relevant for all female professionals advancing in their careers.

You've Got Agreement: Negoti@ting via Email

Noam Ebner, Anita Bhappu, Jennifer Brown, Kimberlee Kovach & Andrea Schneider

Astonishing amounts of negotiation are now conducted by e-mail – often with scant regard for underlying strategy, or even common courtesy. The authors unpack why this happens, and propose methods that will better prepare students for the realities of future business.

Addressing Partisan Perceptions

Jennifer Brown

Brown focuses on a central problem in teaching negotiation: when negotiators or principals refer to “the facts,” what they are really referring to is a partisan interpretation of a selective memory of the facts. How are we to help them pass beyond this mental blockage? Brown finds a curious paradox at the heart of the problem, and suggests a teaching strategy.

Negotiation Nimbleness When Cultural Differences are Unidentified

Maria Volpe & Jack Cambria

Many pieces in this book argue, in effect, “study up on the culture before you go teach or negotiate somewhere.” But what if you can’t? Volpe and Cambria draw on the experience of the Hostage Negotiation Team of the New York Police Department, with its 100 negotiators who can be thrust into a new culture on any city block without warning. They describe how to prepare your negotiation students for when they can’t prepare.

Culture – The Body/Soul Connector in Negotiation Ethics

Jacqueline Nolan-Haley & Ewa Gmurzynska

Nolan-Haley and Gmurzynska note that some teachers at the 2008 Rome “Second Generation” Teaching Conference and “benchmark” course omitted ethics teaching as too complicated for the time available, while others considered it essential. They side with the latter, but then wonder what learning as to negotiation ethics actually takes place. Picking apart several common ethical problems in the light of widely divergent ethical codes for lawyers in Poland and the U.S., they conclude that it is the fact of the difference which itself best illustrates the need for ethical sensitivity, and consequently, demands a specific focus on ethics in teaching.

The Psychology of Giving and its Effect on Negotiation

Habib Chamoun & Randy Hazlett

Does “give stuff away” strike you as a promising basis for negotiation? Chamoun and Hazlett argue, based on the history of one of the world’s most long-successful negotiating cultures, that there is wisdom inherent in so strange a start to a business relationship.

Designing Heuristics: Hybrid Computational Models for Teaching the Negotiation of Complex Contracts

Gregory Todd Jones

Jones asks, can we learn something useful about negotiation by taking the *people* out of it? Paradoxical as this may sound, only inside a computer is it possible to run enough variations of some scenarios to generate believable outcome ranges. Surprisingly, Jones shows how easily real negotiators might find themselves grappling with one of these “complex” contracts.

Redesigning Methods

Death of the Role-Play

Nadja Alexander & Michelle LeBaron

Is this a dagger I see before me, the handle toward my hand? Come, let me clutch thee... Alexander and LeBaron argue for a Lady Macbeth-like determination toward removing role-plays from their enthroned position in negotiation training. Their substitution by younger, more vigorous teaching tools, they argue, would be good for the commonweal.

Negotiating Learning Environments

Melissa Nelken, Bobbi McAdoo & Melissa Manwaring

Why doesn't negotiation teaching *model* negotiation more often? The authors argue that negotiation teachers are missing an extraordinary opportunity to educate when they don't allow students to negotiate elements of the course itself. They argue that other factors need to be emphasized more strongly, too. These include clear and performance-based goals tailored to the particular group of students; a sequence of learning activities specifically tailored to those goals; and development of self-reflective skills, so that students will be encouraged and enabled to apply what they have learned, as well as to continue learning on their own.

Online Communication Technology and Relational Development

Anita Bhappu, Noam Ebner, Sanda Kaufman & Nancy Welsh

Key to success in negotiation is managing and enhancing relationships. This concept can be difficult to convey in short-term executive training courses where students have little time for relational development. Not to worry: the authors assert that by strategically using online communication before, during, and after such courses, students can effectively both train for, and depend on, good relations at a distance.

Templates and Tools

Moving Up: Positional Bargaining Revisited

Noam Ebner & Yael Efron

Somewhere along the way toward widespread teaching of interest-based concepts, Ebner and Efron argue, the teaching of negotiation has lost something – a tough-minded focus on what to do when the pie can't be enlarged, the competing interests of the parties are intense, and the bargaining zone is small. If we are going to teach our negotiators to succeed in real life, they contend, we are going to have to teach them to *bargain*. The authors offer a fully worked-out exercise to do just that.

What Really Happened in the Negotiation?

David Matz

Matz outlines a very different kind of negotiation course, based on close examination of one important negotiation with a disputed history and innumerable complications. Pointing to six goals of his own which underlie the design of the course, he shows that many varieties of understanding are difficult or impossible to achieve in the more typical skills-oriented setting.

Cultural Baggage When You “Win As Much as You Can”

Julia Ann Gold

Gold uses a single, popularly taught exercise as a framework for examining how cultural value patterns are likely to affect what students *hear* – as distinct from what you were trying to teach. She suggests a number of different approaches to opening up the cultural assumptions at the heart of the exercise.

Preparing for the “Innocents Abroad”

Outward Bound to Other Cultures: Seven Guidelines

Harold Abramson

Abramson uses the sometimes hard lessons he has learned in years of training abroad to define seven basic guidelines for U.S.-based trainers who plan to get on a plane. The planning, he cautions, will take a lot longer than the flight.

Minimizing Communication Barriers

Joseph Stulberg, Maria Pilar Canedo Arrillaga & Dana Potockova

The authors focus on a problem that bedevils international negotiation teachers – your language isn’t the students’ language. Sadder but wiser after many experiences, this multinational team has compared notes, and presents a checklist of fundamentals. Basic as these principles may appear on the surface, the authors point out, they are honored in the breach more than the observance.

We Came, We Trained, But Did it Matter?

Lynn Cohn, Ranse Howell, Kimberlee Kovach, Andrew Lee & Helena de Backer

The authors argue that the greatest improvements in “second generation” training will come not from incorporation of new content, but instead from four specific innovations in training design: in-depth assessments of clients’ goals and cultural environments in advance of training; follow-up afterwards; techniques to encourage structural, organization-level adoption of what is learned by individuals; and delayed measurement of achievement.

Culture, Cognition and Learning Preferences

Kimberlee Kovach

Kovach provides a fast tour of a number of aspects of culture, on the way to her central thesis – that particular cultures implicate particular styles of learning. Up to now, the teaching of negotiation has generally been insensitive to this. Kovach argues that to be truly effective, courses have to be largely rebuilt from the ground up for each different culture.

Epilogue

The Committee to Make the Students Learn

John Wade

The **Epilogue** offers a bit of whimsy by the team's polymath.

Next on the Agenda: Istanbul and Farther East

With such an enormous range of topics and concepts to consider, we are not under the illusion that our initiative's first-year publications represent an end stage of development. We look forward to assisting our many colleagues, and adding others, to develop these topics and concepts further. A significant part of the development yet to come will involve greater specificity. Indeed, we are anticipating that the second edition will particularly include more "Templates and Tools," as our contributors struggle with the challenge of effectively bringing into the classroom the newest ideas from the contemporary multi-disciplinary science of negotiation.

We look forward to the next stage of this initiative, which will involve redesigning a two-day executive course for members of an ancient and rich culture in which a Muslim majority coexists with a determinedly secular tradition. We will cheerfully admit that our colleagues have a challenge in front of them, to devise appropriate and concise teaching models and methods that will take best advantage of the writings they have already produced. We have no doubt that this hand-picked team of 50 is up to the challenge. And no sooner will they have essayed how best to teach such novel material in the context of Turkish culture than the initiative will move on again, to a radically different environment farther East.

We ourselves can't think of a more absorbing series of journeys, intellectual and otherwise.

Notes

- ¹ The project's April 2009 *Negotiation Journal* offerings are as follows:
- Introduction: Negotiation Teaching 2.0
Christopher Honeyman, James Coben, and Giuseppe De Palo
 - Bringing Soul to International Negotiation
Phyllis E. Bernard
 - What is Training All About?
Kevin Avruch
 - Defining Success in Negotiation and Other Dispute Resolution Training
John Wade
 - Negotiating Classroom Process: Lessons from Adult Learning
Melissa L. Nelken
 - Teaching for Implementation: Designing Negotiation Curricula to Maximize Long-Term Learning
Bobbi McAdoo and Melissa Manwaring
 - Managing The Goal Setting Paradox: How To Get Better Results from High Goals and Be Happy
Clark Freshman and Chris Guthrie
 - Women at the Bargaining Table: Pitfalls and Prospects
Catherine H. Tinsley, Sandra I. Cheldelin, Andrea Kupfer Schneider, and Emily T. Amanatullah
 - Enhancing Community Leadership Negotiation Skills to Build Civic Capacity
Deborah Shmueli, Wallace Warfield, and Sanda Kaufman

References

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- Schneider, A.K. and Honeyman, C. 2006. *The negotiator's fieldbook: The desk reference for the experienced negotiator*. Chicago: American Bar Association.

