



Negotiation Nimbleness When Cultural Differences are Unidentified

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Editors' Note: 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.

Introduction

One of the burning questions for the negotiation field is: How should negotiators prepare to handle negotiations in culturally diverse contexts? While responses to this question can be quite varied, common assumptions are that negotiators make, or should make, time to plan; that they should acquire knowledge about the parties with whom they will be interacting; and that they have access to resources before each negotiation. Despite sound advice stressing the need for pre-engagement work in order for parties to become familiar with the cultures of the other side and to understand more about the others' learned behavior, negotiators sometimes confront situations which may be next to impossible to prepare for even when negotiators are ready, willing and able to do so. This can happen for many reasons, including among others, cultural overload involving too many cultural factors to consider, the participation of parties

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from hybrid cultures that blend or mask cultural nuances, or the presence of unexpected parties whose cultural backgrounds the negotiators did not anticipate.

This chapter will specifically address the core readiness essentials needed for handling negotiations when negotiators are unfamiliar with or uninformed in advance about the other side's unidentified or unidentifiable cultural information. Among those who routinely experience unexpected culturally diverse situations are police hostage negotiators. They typically meet the other side for the first time when they respond to calls involving parties who are unknown to them (Volpe et al. 2006). Not only do they not know with whom they will be negotiating, hostage negotiators are further challenged by the fact that when they begin their interactions, usually they cannot even see those on the other side. Hostage negotiators' work, especially in large, culturally diverse areas like New York City, provides an optimal context from which to extract essential ingredients for negotiation success when cultural differences are unidentified and unidentifiable. Negotiations in this context raise many questions, including:

- How do the hostage negotiators make a paradigm shift from their own ethnocentric or dominant cultural ways to understand the world of others which they cannot access beforehand?
- Is there a "cookie cutter" approach that enables hostage negotiators to be ready for interacting with all cultures when they do not have knowledge about them?
- Do the techniques used by hostage negotiators reflect the dominant culture within which they work?
- How do hostage negotiators handle situations where those on the other side have pre-existing views that may reflect their own culturally defined views about the police?
- What techniques used by hostage negotiators in responding to situations that include cultural differences are unique to hostage situations?

For sure, there are no simple solutions or easy answers regarding how best to prepare for all negotiations. In any context, there are many unpredictable conditions. Hostage negotiators face almost complete uncertainty about every aspect of their unique negotiations, including access to information about the other parties' cultures (Osterman 2002). On the other hand, hostage negotiators have access to a variety of resources, as well as to coercive force, neither of which is typically as readily available to other negotiators. Given the uniqueness of the context within which hostage negotiators operate,

what can we extract from their work in managing cultural differences that will be useful to other negotiators?

Cultural Frameworks

Conventional wisdom suggests that negotiators should learn as much as possible about others' culture before any encounter (Snyder 1999; Solomon 1999; Blaker et. al 2002; Smyser 2002; Cogan 2003; Wittes 2005). An ongoing challenge, however, has been the identification of what in fact needs to be learned about culture since it is a complex, nuanced, and socially constructed concept with varied definitions and understandings depending on context. This landscape becomes even more complicated when culture is examined through the lenses of the conflict resolution and ADR (alternative or appropriate dispute resolution) fields, of which negotiation is a key process. Since there is an expectation that parties engage each other when negotiating, any cultural differences can significantly influence the interactions.

Despite the inevitability of such influence, a systematic examination of culture in the conflict resolution or ADR context has been uneven (Avruch 2003). In his overview of the formative years of conflict resolution and ADR theory with respect to the concept of culture, Kevin Avruch noted "how little attention 'theory' paid to the concept of culture and how practice, inspired by theory (or vice versa...), seemingly ignored the importance of cultural differences among parties (including third parties) as relevant to the sources or outcomes of a conflict or dispute" (Avruch 2003: 352). Avruch also emphasized that it was not until the 1980s that Philip Gulliver's anthropological work on negotiation began to play a role in infusing culture into conflict resolution and ADR practice (Avruch 2003: 353).

While understanding culture is now more widely acknowledged as a significant topic for any conflict resolver's education and training, the concept itself remains elusive. Culture often means markedly different things to different people. It can be overestimated and underestimated, misperceived, and misunderstood. Most important, with respect to conflict, traces of culture are evident when differences emerge. Culture surfaces in how people communicate, behave, celebrate, and grieve. Often, it can show up in ways that are recognizable only to those with whom others share behaviors or attributes. In their discussion of ethnicity, one of many important components of culture, Monica McGoldrick, Joe Giordano, and Nydia Garcia-Preto (2005) state that ethnicity "patterns our thinking, feeling, and behavior in both obvious and subtle ways, although generally we are not aware of it. It plays a major role in determining

how we eat, work, celebrate, make love and die" (2005: 2). In short, individuals from different cultures filter information through selective lenses that uniquely resonate with their traditions, heritage, and customs.

Aspects of culture are so embedded in the everyday lives of people that they are often difficult to identify, even by those who are the carriers of the cultural traces. The distinctions can be very subtle and so embedded in lifestyles that it may take someone who is external to the group to notice them. Furthermore, the qualities attributed to any specific culture can be difficult to distinguish from the mix of other factors such as gender, class, age, or status. Sometimes cultural differences can only be identified as those things "that you know when you see them," but otherwise are simply too hard to pin down.

When negotiators knowingly negotiate with others, especially when forewarned about others' cultural background, they can prepare by drawing on a vast assortment of substantive knowledge to maximize their potential for comfort and success. There are innumerable ways of preparing; in fact, the "need to know" information ranges along a continuum from highly detailed, culture specific knowledge to very broad, culture generic knowledge.

At the culture specific end, negotiators can spend an extensive amount of time acquiring very detailed information about the other side, including nuanced substantive knowledge about the other side's worldviews. Among the well known topics covered are history, climate, geography, music, art, foods, holidays, religion, clothing, politics, traditions, customs, norms, values, symbols, rituals, language, and other culturally defined behaviors and activities, all which influence the lens through which the world is viewed. The in-depth, detailed knowledge of cultures also includes understanding subtle distinctions about the others' verbal and nonverbal communication; these distinctions include, among others, how symbols, gestures, tone of voice, and body language all fit together. For example, negotiators getting ready to interact with others can prepare by learning how greetings are exchanged in others' cultures. Do they shake hands, embrace, salute, kiss on one side of the face or both, kiss one's hand, kneel, genuflect, or bow? Additional fine tuning of cultural nuances when greeting others includes such concerns as distance maintained from the other, amount of time spent talking, salutation, type of attire worn, who initiates the greeting, and type and amount of eye contact.

The discussion at the other end of the continuum, where reliance is on generic principles becomes even more complicated. The range of options here can be from the simple to the elaborate. Easi-

est to understand is any formula which focuses on the use of “good commonsense” and stresses acknowledgement and recognition of the other side. Suggestions can include advice such as: “just be respectful” or “try to be a good listener.” While such oft-cited advice is easy to give, it still does not provide the significant “how to” information, since respect and good listening can be context specific and need to be defined accordingly.

More complex understandings of generic approaches focus on conceptual frameworks that allow for ways to understand cultural groupings. Edward Hall’s distinction between high context and low context cultures describes cultural differences between societies and provides a framework for understanding the impact of culture on communication (Hall 1976). High context cultures are relationship-sensitive, where connections between people tend to be close; there is a strong sense of tradition, rituals, and history; and intermediaries play an important role. Information is understood without much need for clarification; people tend to know what each other thinks; meanings of what gets shared can be left unstated; and nonverbal behavior is used extensively to convey meanings. On the other hand, in low context cultures, greater emphasis is placed on the role of the individual in directly handling situations, shying away from rituals, and favoring goal oriented strategies. Communication is straightforward with reliance on explicit statements to express behavior and convey information.

Another well-known generic cultural framework, constructed by Geert Hofstede, is based on research in more than 50 countries (Hofstede 1980). To understand cultural differences, Hofstede identified five main dimensions that reflect dominant value systems, including: small versus large power distance; uncertainty avoidance; individualism versus collectivism; masculinity versus femininity; and long-term versus short-term orientation. There are some similarities between Hofstede’s and Hall’s frameworks. For example, Hofstede’s collectivistic dimension mirrors Hall’s high context culture and his individualistic dimension tends to mirror Hall’s low context culture.

The application of any of these generic frameworks can be tricky. They provide generalizations of cultural differences for an entire society or culture rather than characterizations of individuals or subgroups. For example, the U.S. as a whole is characterized as individualistic, but an individual American may be collectivistic. A family unit within the U.S. is likely to be high context, but the U.S. is characterized as low context.

Preparing for Negotiation Nimbleness

With ever-changing demographics, worldwide migration, and increasing globalization generating widespread uncertainty about culture, the next generation of negotiators will need to develop proficiency in managing situations where cultural concerns are present. We refer to this expertise as cultural nimbleness. Rather than mastering cultural specifics, next generation negotiators will need to find ways to understand and move with ease across the intricacies posed by different cultural contexts.

Some light is shed by Daniel Bowling and David Hoffman in their related work on acquiring mediator proficiency (Bowling and Hoffman 2003). Their framework on “bringing peace into the room” identifies three stages of development. The first stage involves acquisition of techniques when practitioners learn skills, the second involves deeper understanding about how and why the mediation process works, and the third stage involves an awareness of how one’s personal qualities impact on the process. The first two stages address how to do mediation; the third stage focuses on the protracted development of personal qualities essential for being a mediator.

The aforementioned framework, which is as relevant for other conflict resolution interveners as it is for mediators, provides valuable insights about the complexity of intervention work. In addition to process skills and knowledge, interveners’ personal qualities can influence the process. Daniel Bowling and David Hoffman note that

Understanding what the qualities are and why they work will always be both highly personal and situational – a product of the moment and the people in it. Developing these qualities is a process of time, intention, and discipline, and comes, in our view, not from intellectual inquiry or scholarship but from experience (Bowling and Hoffman 2000:24).

Since negotiation is a process where the parties are directly engaged, often face to face, the nimbleness needed for handling cultural differences requires a combination of skills, theory and personal qualities. In those instances where negotiations involve unidentified or unidentifiable cultural differences, the need for nimbleness is even greater.

The Context for Hostage Negotiators

When approaching a situation, police hostage negotiators receive only limited information. They know that they are going to a specific location and that others, usually the responding officers or police

commanders on the scene, have already done a quick assessment of the situation. The early responders have determined that in order to manage the situation there is a need to engage one or more individuals who are behind closed doors. Deciding who is best suited to take the next intervention steps is part of the challenge the officers on the scene face. They know that they may be limited in what they can do not only in terms of skill, but also of ability to remain at a given scene for any length of time. As a result, they may call in others who are prepared to utilize other techniques. In many departments, hostage negotiators are available to respond when summoned from their regularly scheduled assignments.

For hostage negotiators, responding to calls is like entering a movie theatre after the film has begun. The negotiators know that something has happened before they arrived. Like the movie latecomers, the hostage negotiators attempt to reconstruct what they missed and how the actors got to the current action that is underway. However, it is never the same as having been there at the outset to experience the beginning firsthand.

In addition to not knowing what transpired before they arrived, hostage negotiators receive information in real-time. That is, information is being relayed to them as it is unfolding. As such, it may be speculative or erroneous. In some instances, important information may not be available to contribute to the response efforts in a timely fashion. Moreover, whatever information the hostage negotiators receive, it is being relayed to them very rapidly by others. In the midst of this fast-paced context, key information about cultural matters may or may not be available, obvious, or even addressed.

To illustrate this context, consider the following scenario which depicts the kind of circumstances experienced by hostage negotiators: neighbors who heard very loud screams and banging in an adjacent two story house call the police to report what they are hearing. When the responding officers arrive and knock on the door, no one answers. While at the doorway, they hear shouted exchanges and loud voices coming from inside the house. The neighbors who called the police do not know their next-door neighbors so they cannot provide any information that would assist the responding officers. Within seconds of standing at the door, the responding officers hear a gunshot. At this point, the officers must make a determination about whether to continue the police response on their own or to seek assistance from other police officers such as the specially trained Special Weapons and Tactics (SWAT) unit or hostage negotiation teams.

From the perspective of the responding police, they know that some jobs require talking skills, expertise, and additional interven-

tion time. The decision is based on a number of circumstances or clues they look for, including whether people are barricaded behind closed doors, one or more individuals are being held against their will, physical force is being used, and weapons may be present. Once it is determined that people are being held hostage or that a barricaded individual is involved, one of the options available to many police departments is the expertise of hostage negotiators. In handing over the case, the responding officers pass on the quick preliminary assessment to the hostage negotiators.

When hostage negotiators are called in, they do not arrive alone. Depending on the department operations and resources, they arrive with other associates who provide additional backup and expertise needed for the imminent negotiations. In New York City, for example, the negotiators undertake their work with the assistance of the following: a patrol incident-commander, who coordinates all segments of the operation, the Emergency Service Unit (ESU) which serves as the SWAT unit handling high risk tactical operations, and the Tactical Assistance Response Unit (TARU) which provides telephone, video and other technical support. In short, while the hostage negotiators attempt to communicate with those on the other side of a closed door, they are supported by other police units.

Given that hostage negotiators usually do not know who they will be negotiating with before or during the negotiations and enter a situation initially assessed by others, what can they do to maximize their effectiveness to manage the circumstances, including unidentified or unidentifiable culturally diverse situations? One answer is to seek lessons learned from the very first police hostage negotiation team, which was started in 1973 in one of the world's most culturally diverse cities, namely New York City.

In a recent article, Jack Cambria, currently the commanding officer of the New York City Police Department (NYPD) hostage team, distinguished between the theory and practice of trying to match negotiators' cultural background with that of the hostage taker (2006). According to Cambria,

The strategy of trying to pair the right set of negotiator-hostage-taker through ethnic or religious background, gender, social culture or sub-culture dynamics may have its place in theoretical concepts, but in practice, the main concerns are the two individuals involved (negotiator and hostage-taker) and the rapport developed between them, regardless of individual background (Cambria 2006: 47).

Cambria recounts that in one hostage situation that lasted 28 hours, among the 12 hostage negotiators of different ethnic, religious and gender backgrounds who were involved in the negotiation process was one whose cultural background was the same as that of the hostage-taker. Yet, the match did not result in bringing the situation to closure. More specifically, Cambria noted that

the negotiator and hostage-taker both came from adjoining towns in Guyana; one from Georgetown and the other from Rosignol. Regardless of their 30-year age difference, the two quickly developed a rapport and began discussing politics, customs and families they both knew in Guyana. But the negotiator was ineffective in resolving the hostage-taker's personal crisis. There were profound emotional issues and despair deep within the hostage-taker that were beyond the negotiator's scope (Cambria 2006: 47).

While the aforementioned formula for intervention may defy some of the conventional wisdom regarding matching of intervener's background with that of the other party, in fact, there are some important lessons to be learned for those experiencing situations where they have no specific or advance information about the other side's culture. For hostage negotiators, two significant ingredients, selection and substantive training of the officers, are crucial and inextricably linked. In order to staff the negotiation team, the search begins by recruiting members from within the existing pool of seasoned officers who have received the requisite training to undertake their police work and whose performance has been evaluated. In fact, before anyone can be considered for the NYPD hostage team, one must have been an officer for a minimum of twelve years and have achieved the rank of detective. According to Cambria,

Applicants meeting these criteria usually possess extensive experience in various field assignments from which to draw, and, by default, finds him or herself in the desired age group (at a minimum of thirty-four years old). This age group usually ensures that an applicant has experienced the emotions of love and being disappointed or hurt in love, has known success, and perhaps most importantly, has known failure (Cambria 2006: 48).

These virtues become critical when negotiating with an individual in crisis, where the negotiator can then say, "I know about that and can talk about it. I've been hurt in love myself and know exactly

what you're feeling." It reflects what the individual in crisis is feeling and usually begins the process of building rapport.

Hence, by the time that they are eligible for the hostage negotiation team, police officers will have had an opportunity to learn about general police policies and practices, to acquire first hand experience in applying them to a wide range of situations involving people in crises, and to have been observed by peers and superiors. Their policing records will have been established and they will have become well known to their professional peers, not only as officers but also as people of compassion. Overall, they are older, more experienced, and knowledgeable about the ebbs and flows of life, including a variety of emotions, feelings, trials, and tribulations. Of particular note, they will have become familiar with the vast diversity of the population they serve on a daily basis and acquired a feel for the different peoples through their work on the streets and responses to calls for assistance in people's homes. For example, they will have interacted directly with people in their homes and local stores, heard about their cultures, and had many opportunities to experience a variety of diverse cultures firsthand through street festivals, religious events, and informal conversations.

Once officers have acquired the requisite substantive knowledge about police policies and practices, the next step is to substantiate that they have the personal qualities viewed as important, for interacting in emotionally charged situations regardless of who is on the other side. The officers need to be self-aware, remain calm in the midst of very stressful and emotional situations, be able to readily establish relationships with strangers through verbal and nonverbal communication, and to be inquisitive, as detectives are expected to be. Central to the hostage negotiators' work are good communication skills like active listening, reflection, but especially elicitive questioning. In fact, the NYPD hostage team is guided by the motto "talk to me."

By asking the kinds of questions that encourage others to open up and talk, the hostage negotiators are sending important signals to those whom they do not know, but must communicate with. When they do not recognize or understand something that is being shared, they ask the hostage takers or barricaded individual to elaborate. The officers must work hard at mastering those qualities that suggest they are showing respect for others. Additionally, of particular value are patience and a good sense of timing. Since candidates for the hostage negotiation team will have had a long personal history in the department, besides information gained from the interviews during the screening process, the aforementioned

personal qualities will have been observed formally and informally over the years by colleagues and supervisors.

To maximize their success, hostage negotiators need to be able to understand and contain their own cultural experiences and to adapt quickly to different cultural contexts, which comes more intuitively with greater life seniority. Despite the amazing array of cultures they will come in contact with, they need to be able to use the generic skills of active listening, elicitive questioning, patience, and timing. When they experience something unusual that suggests the need to gain additional knowledge, they are taught to ask more and more questions. For example, if it appears as though it is time to eat and a hostage taker or barricaded individual refuses food, asking why can reveal information about religious practices. Similarly, requests for specific foods can provide insights about one's cultural background.

In addition to their own expertise in acquiring information from the parties, hostage negotiators make use of cultural experts if needed. While this can be daunting in the middle of a stressful negotiation, the hostage negotiators typically draw upon the vast resources within the law enforcement community as well as expertise that can be provided by non-police personnel. For instance, they can readily call upon language, religious, cultural and other experts to assist them in their communication with the hostage takers.

Overall, much of the preparation of hostage negotiators occurs long before they are chosen for the team. They have to know the department's policies and procedures and they have to be seen by peers and supervisors as individuals who have the people and communication skills to handle highly emotionally charged interactions without much information upfront. The training provided to the officers, once selected for the negotiation team, builds on the knowledge and personal skills they bring.

For those seeking to find more traditional negotiation skills training in the hostage negotiation curriculum, the coursework may come as a surprise. The NYPD hostage negotiator training consists of eleven days of extensive instruction, consisting of inner-perimeter dynamics, theory, response protocols, cultural sensitivity awareness, case-study assessment, equipment awareness, role playing scenarios, and managing situations involving the mentally ill or emotionally disturbed (a major focus, to which forty hours are dedicated). Throughout the curriculum, the candidate-negotiators' performance is continuously assessed by the instructors; and candidates then must successfully complete an interactive final exam. Once on the team, they are constantly evaluated until they have achieved proficiency.

Beyond Hostage Negotiations: Lessons for Other Negotiators

The hostage negotiation context offers several valuable lessons for those engaging in negotiations in other contexts, particularly when cultural distinctions are unidentified or unidentifiable. Perhaps one of the most important lessons drawn from the police hostage negotiators' context is that the essentials for doing such work begin long before the hostage negotiators formally join a negotiation team. Attention is paid to what the officers bring to the position in terms of experience and personal background. As noted earlier, the specialized training received after an officer is selected for the hostage team, builds on this foundation.

Among the top lessons learned from the hostage negotiators' work is the significance of subject matter expertise. This expertise consists of both the knowledge and skills associated with the context within which the negotiations occur. More specifically, hostage negotiators do not learn police policies and procedures while in the midst of negotiating a specific incident. They are expected to know relevant policies and procedures regardless of who is being negotiated with. For instance, part of good policing means being knowledgeable about the laws of the jurisdiction within which one is working. An example would be recognition of the fact that while abusive relationships may be acceptable in particular cultures, they are not acceptable in the U.S. – and would not be negotiable. Although the negotiator may understand the emotions leading up to this behavior, they cannot condone the behavior itself.

Related to subject matter expertise are skills, particularly all of those associated with good communication such as active listening and the ability to ask questions. Not knowing who is on the other side when they approach the negotiation scene, the hostage negotiators need to gather information at the very moment that they arrive at the hostage or barricaded incident scene. From the hostage negotiators' experience, one of the most important techniques is proficiency in elicitive questioning as a means of having the parties "tell me more" about their needs and positions.

In addition to the subject matter expertise, in negotiations where there are unidentified and unidentifiable cultural distinctions, paying attention to personal qualities is essential. A lesson learned from hostage negotiations is that considerable attention is paid to officers' personal qualities as part of the selection process. While identifying specific personal qualities can be elusive, there are some qualities that are more widely recognized as indispensable such as patience, optimism, resourcefulness, understanding, and open-mindedness.

There are times when additional subject matter expertise is needed on the scene, especially when the cultural differences are unidentified or unidentifiable. For instance, while the officers bring police experience and ability in their interactions, the hostage takers or barricaded subjects may be making requests that suggest the need to understand unique religious practices or communicate in other languages. When and where available, it may mean selectively reaching out to other experts, such as department translators or religious scholars, to help inform the negotiators about the other side's cultural perspectives regarding issues being managed.

In a global environment where being able to quickly recognize and work with cultural differences is vital, a compelling case can be made for a wide range of other skills. For example, one increasingly important area is grounding in ethical principles that can assist the parties to respond accordingly. It is a given that police hostage negotiators need to uphold the highest integrity in their interactions with the subjects with whom they are interacting. They are expected to be respectful, truthful, nonjudgmental, trusted, and nonthreatening in their approach (see Nolan-Haley and Gmurzynska, *Culture – The Body Soul Connector in Negotiation Ethics*, in this volume) suggest training future negotiators in culturally inclusive negotiation ethics.

Finally, the work of hostage negotiators points to the value of being able to adjust easily to unfamiliar cultural contexts. In his work on social and cultural dynamics of inner city life, Elijah Anderson refers to individuals who can ably switch cultures and quickly understand them as “code switchers” (Anderson 1999). The more experience one acquires in interacting with those from different and unfamiliar cultures, the more confident one becomes as a cultural code switcher. For negotiators of the future, nimbleness in code switching will be invaluable for negotiating across cultures. Such individuals understand their own world, but can also gauge and comprehend that of others with ease. The lesson here is to immerse oneself in as many cultures as possible, something that is more achievable in some contexts than others.

Conclusion

Negotiators have been urged to acquire culture specific information about those with whom they will be negotiating. However, with people across the globe increasingly mixing with each other, the prospect of getting to know specifics about everyone who one encounters will diminish. There is too much uncertainty about everyone's backgrounds and worldviews to even imagine cultural competency in the more traditional sense of acquiring specific knowledge about the other side.

A basic understanding in police hostage negotiations is that what may work for one, may not work for another, even when operating within the same cultural customs and traditions. Nonetheless, these negotiators are expected to be sufficiently competent to handle a wide range of situations where cultural distinctions are present. They find ways to adapt quickly and effectively to unfamiliar cultural contexts so that they are able to negotiate with anyone. For the next generation of negotiators who will need to be more nimble in handling unidentified and unidentifiable cultural issues, there are lessons to be learned from the police hostage negotiators.

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